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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Fifteenth periodic report of States parties due in 1998

Addendum

United Kingdom of Great Britain and Northern Ireland*

[10 August 1999]

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* This document contains the fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland due on 6 April 1998. For the fourteenth periodic report of the United Kingdom of Great Britain and Northern Ireland and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/299/Add.9 and CERD/C/SR.1185 and 1186.

The information submitted by the United Kingdom of Great Britain and Northern Ireland in accordance with the consolidated guidelines for the initial part of the reports of States parties is contained in the basic document HRI/CORE/1/Add.5/Rev.2.

The annexes to the report submitted by the Government of the United Kingdom of Great Britain and Northern Ireland may be consulted in the Secretariat's file.

1. The United Kingdom submits its fifteenth periodic report on the legislative, judicial, administrative and other measures it has taken during the period ending on 31 March 1999 in order to give effect to the International Convention on the Elimination of All Forms of Racial Discrimination.

Introduction

2. The Government is firmly committed to the elimination of all forms of racism and to the development of policies which address racial discrimination, intolerance and violence. Our aim is the construction of a society in which every individual, whatever their racial or ethnic origin, is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities.

Government Action to Tackle Racism

3. Since entering office, this Government has taken decisive action in a number of areas to tackle racist violence and racial disadvantage.

The Stephen Lawrence Inquiry

4. The racist murder of Stephen Lawrence in London in 1993 raised concerns about police handling of such cases and prompted the Government to set up an independent Judicial Inquiry to look at police handling of the case and to identify the lessons to be learned for the future investigation and prosecution of racially motivated crime.

5. Following publication of the Inquiry Report in February 1999, the Home Secretary published an Action Plan detailing how the 70 recommendations of the Inquiry's Report would be taken forward. The Government will publish an annual report on how this work is progressing.

Racial Disadvantage

6. As a first step we restored planned cuts in funding made under Section 11 of the Local Government Act 1966. This grant is designed to address the disadvantage experienced by members of ethnic minorities in accessing education, training, employment and a wide range of other opportunities that are available to people generally.

7. A cut of 50 per cent planned by the previous Government would have been a serious blow to some of the most vulnerable members of our society. We are now reviewing more generally how support to ethnic minority communities may be given in the future.

8. We have also set up a Social Exclusion Unit to help break the cycle of deprivation in inner city areas where a high percentage of our ethnic minority communities live.

Legislation

9. It is now over 20 years since the Race Relations Act was passed. The Act has, without question, succeeded in enhancing the rights of people from ethnic minorities in this country and has encouraged racial understanding within our society. We are currently reviewing this legislation to ensure that it is adequate to deal with discrimination in a modern context. As part of its response to the Stephen Lawrence Inquiry Report, the Government has announced its intention to bring all public services within the scope of race discrimination legislation.

10. Through the Crime and Disorder Act 1998, we have strengthened the criminal law to deal effectively with racially aggravated offences. This sends out a clear message that racist crime will not be tolerated in our society and will be severely punished.

Consultation

11. The shape of ethnic minority communities in the United Kingdom is now changing significantly. Recent surveys indicate that there are a growing number of people of mixed ethnic origin and we are now witnessing the birth of a third generation of ethnic minority communities. It is also evident that, as time moves on, the socio-economic circumstances of different ethnic minority groups in Britain vary. Within different communities we are already seeing differences of educational achievements, disadvantage and socio-economic profiles.

12. This all raises important issues of identity as communities become more established in this country and it has enormous implications for Government policy. We are undertaking research to gain a clearer understanding of the position of young people in multi-ethnic Britain. The Runnymede Trust has established a Commission on the Future of Multi-Ethnic Britain which will complement our research and help us to develop our thinking in the future.

[Notes: During the consultation process, we were asked to provide information on attitude surveys. This is attached at Annex N.]

13. The Minister for Race Relations has been meeting with community groups and individuals to discuss their views of the problems and how best these can be addressed by Government. The Home Secretary has also set up a Race Relations Forum, which is making a constructive contribution to the development of Government policy in this area.

14. The Forum has already discussed a wide range of policy and practical issues with Home Office Ministers and was consulted on the drafting of this Report. A list of the community and faith groups consulted is attached at Annex A.

ARTICLE 2. GOVERNMENT MEASURES TO COMBAT RACIAL DISCRIMINATION

15. The United Kingdom Government unreservedly condemns racial discrimination. It seeks a society in which every individual is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities. The following paragraphs outline the legislative and other means by which the Government is seeking to eliminate racial discrimination.

Race Relations Act 1976

16. Under this Act, racial discrimination is unlawful in employment; education, training and related matters; the provision of goods, facilities, services and premises; and the disposal and management of premises. The Act gives individuals a right of direct access to the civil courts and employment tribunals for legal remedies for unlawful discrimination.

17. The Act also established a Commission for Racial Equality, independent of Government, which works towards the elimination of discrimination, promotes equality of opportunity and reviews the working of the Race Relations Act.

18. The Commission for Racial Equality published its third review of the Race Relations Act in June 1998. It contains broad ranging proposals for amendment to the Act, including:

- affirming the right of every person not to be discriminated against on racial grounds by any public body; and

- a new duty on public authorities to promote race equality.

19. Other proposals seek to broaden the scope of the Act and to enhance the powers of the CRE and employment tribunals.

20. We are considering the proposals carefully. The Home Secretary has carried out a consultation on the CRE's review as he wished to take the views of those who would be affected by any change. The closing date for responses was 18 December 1998. We are currently looking at the responses and will subsequently be considering the next steps.

21. The Stephen Lawrence Inquiry Report included a recommendation to extend the scope of the Race Relations Act. This recommendation has been accepted. Details are provided in the Home Secretary's Action Plan at Annex B.

[Notes: During the consultation stage of this Report, a number of non-governmental organizations requested that we clarify the position on positive discrimination. Positive discrimination is not legal in the United Kingdom. However, the Race Relations Act does permit certain forms of positive action by training bodies, by employers and by trades unions and employers' organizations, in order to improve ethnic minorities' training opportunities and representation in areas where they are not at the level which might be expected.

We were also asked to confirm whether the Race Relations Act protects Romany people from discrimination on racial grounds. This was established by the case of Commission for Racial Equality v Dutton, where the Court of Appeal held that Romany gypsies constitute a racial group for the purposes of the Act.]

Crime and Disorder Act

22. The Crime and Disorder Act 1998 introduced new statutory offences for racial crime which: correspond to the existing main offences which deal with violence against the person (except those which carry a maximum sentence of life imprisonment); include a test that there was either racial motivation or any aggravating evidence of racial hostility in connection with the offence; provide the courts with higher maximum penalties to reflect the racial aspect of the offence.

[Notes: In response to a question raised during the consultation process, the Act does not generally apply to Northern Ireland.]

Race Relations (Northern Ireland) Order 1997

23. The Race Relations (Northern Ireland) Order 1997 was made in March 1997. It follows the general lines of the Race Relations Act 1976 but is tailored to suit Northern Ireland circumstances, for instance, Irish Travellers are specifically identified as a racial group for the purposes of the Order, and it has been drafted to reflect regional and Local Government structures. The Order provided for the establishment of a Commission for Racial Equality for Northern Ireland which became fully operational in August 1997. A new Equality Commission (details of which are given below) will take over its functions in 1999.

Northern Ireland Act 1998

24. In 1998 the most important advance for all the people of Northern Ireland was the political settlement reached on 10 April 1998, referred to at the time as the "Good Friday Agreement". The terms of that Agreement were subsequently endorsed in a referendum by over 70 per cent of the population of Northern Ireland. The Agreement included a range of measures to enhance the proper protection of basic human rights.

25. The Northern Ireland Act came into force on 19 November 1998 and gives legal effect to the Agreement. The Act established a new independent Northern Ireland Human Rights Commission (NIHRC). The Commission's duties are set out in Section 69 of the Northern Ireland Act 1998, a copy of which is attached at Annex C.

26. The Act also provided for the establishment of an Equality Commission which brings together in one body the work of the Fair Employment Commission, Commission for Racial Equality for Northern Ireland, Equal Opportunities Commission for Northern Ireland and the Northern Ireland Disability Council.

27. Section 75 of the Act places a statutory obligation on Public Authorities - Northern Ireland Central Government departments; Non-Departmental Public Bodies (NDPBs); District Councils; and a number of United Kingdom Departments operating in Northern Ireland - to ensure that, consistent with their responsibilities, all functions are carried out with due regard to the need to promote equality of opportunity in the areas covered by the former Policy Appraisal for Fair Treatment (PAFT) guidelines. Public authorities will also be required to conduct their affairs with due regard to the desirability of promoting good relations between people of

different religious belief, political opinion or racial group. This means that, for the first time, public authorities will have a statutory duty to address issues of community relations and reconciliation.

Stephen Lawrence Inquiry

28. The Home Secretary announced a Judicial Inquiry on 31 July 1997 into the death of Stephen Lawrence who was murdered in Greenwich in April 1993. The terms of reference of the Inquiry were "To inquire into the matters arising from the death of Stephen Lawrence on 22 April to date, in order particularly to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes". The Home Office, Association of Chief Police Officers and the Metropolitan Police Service were among those who gave written and oral evidence to the Inquiry.

29. The Inquiry Report was published on 24 February and contains 70 wide-ranging recommendations for improving the handling of racist crime. The Home Secretary has produced a detailed action plan in response to these recommendations. For each of the areas covered by the recommendations, the plan sets out the main programme of work, who will have the lead responsibility for taking the work forward, the milestones for progress in each area, and how the Government will review and assess the outcomes of the work.

30. The plan is a framework for change which aims to deliver permanent improvements in every area of policing and the rest of society. The following principles will guide all the work in the plan:

- *partnership and involvement*: there will be involvement and consultation of ethnic minority people as well as the police, relevant local and public authorities and other organizations at all stages to ensure that there is genuine partnership running throughout the programme;

- *policing diversity*: the work must help and support police officers to enforce the law in a multi-cultural and multi-ethnic Britain, to serve the community better. We need to be sure that changes will lead to real improvements. That will involve pilot projects and assessment where necessary;

- *recognizing and rewarding success*: we will encourage all those involved to strive for the highest standards. We should acknowledge and praise achievement. Equally, those who tolerate bad practice can expect to be identified and called to account;

- *raising standards and promoting professional competence*: the investigation of serious crime of all types, whether racist or not, must be conducted to the highest possible standard. Strong leadership, high quality intelligence gathering and good organization are all crucial.

31. The Home Secretary is taking personal responsibility for oversight of the programme and will chair a Steering Group specifically set up for that purpose. This will involve members from

a wide range of interested organizations including the Commission for Race Equality, the Race Relations Forum, the Black Police Association, the Metropolitan Police and the Crown Prosecution Service. Full details of the Stephen Lawrence Inquiry recommendations and the Home Secretary's Action Plan are attached at Annex B.

Race Relations Forum

32. The Home Secretary has created a Race Relations Forum to advise him on issues affecting ethnic minority communities. It will make a positive and practical contribution to policy development and gives minority communities a new and effective voice at the heart of Government.

33. The Forum's membership is drawn from a broad spectrum of ethnic minority communities and brings together a wealth of experience and expertise. A copy of the Forum's Terms of Reference are attached at Annex D.

Social Exclusion Unit

34. The Social Exclusion Unit was launched by the Prime Minister in December 1997. Social Exclusion is a shorthand label for what can happen when individuals, families, communities or whole areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown. The Government has policies targeted at reducing all of these individually, but we have been less effective at tackling the interaction and linkages between these problems or preventing them arising in the first place.

35. The purpose of the Unit is to help break this vicious circle, and coordinate and improve Government action to reduce social exclusion, by both improving understanding of the key characteristics of social exclusion, and promoting solutions by encouraging cooperation, disseminating best practice and, where necessary, making recommendations for changes in policies, machinery or delivery mechanisms.

36. Ethnic Minority communities are represented across all of these linked problem areas and particularly so in two of the first three priority areas established by the Prime Minister - Truancy and School exclusion, Neighbourhood Renewal and, to a lesser extent, Rough Sleeping. All of these reports have been published and are the result of research, consultation and visits across the country by the unit. Further details are provided in the Education and Housing sections later in this document.

37. The unit has met with the Commission for Racial Equality and the Director of the Commission on the Future of Multi-Ethnic Britain, as well as with the Home Office Race Equality Unit. In arranging visits and consultation, the unit has taken pains to be in contact with, and listen to, people from ethnic minority communities and their representatives.

Europe

European Year Against Racism

38. The United Kingdom Government is also strongly committed to working with our European partners to tackle racism. 1997 was the European Year Against Racism. The Government provided substantial resources for the administration and co-ordination of this initiative in the United Kingdom and awarded £300,000 to local projects in support of the Year. The Year was a great success and has done much to raise awareness of the problems of racism and encourage work to tackle them in the United Kingdom and throughout Europe.

Europe Against Racism Conference

39. During our EU Presidency last year, we kept racism high on the European agenda by running a major conference, Europe Against Racism. This brought together Government officials and representatives from non-governmental organizations from across the Union to discuss the way forward for the EU in this area. The Conference was a great success and a copy of the report is attached at Annex E. Work is now under way to ensure that race issues remain an integral part of future Presidency work programmes.

European Monitoring Centre on Racism and Xenophobia

40. In June 1997 the European Council agreed to set up a European Monitoring Centre on Racism and Xenophobia based in Vienna. The Monitoring Centre aims to help the Community and Member States to take account of the effects of racism and xenophobia in the development of policy and practice. It will provide the EU with objective, comparable data on racism and xenophobia in order to help the EU formulate effective policy.

41. Each Member State is required to set up round-table meetings to facilitate discussion at national level on the work of the Monitoring Centre. The United Kingdom's first Round-Table took place in October 1998. It provided the United Kingdom Government and national organizations working in the field of race relations with the opportunity to discuss issues of relevance to the Monitoring Centre and feed back ideas and proposals on how work should be taken forward.

Treaty of Amsterdam

42. New provisions in the Treaty of Amsterdam provide the EU with a legal basis to tackle racism. Article 13 provides a sensible basis for Community action to fight unfair discrimination and promote equality. Article K1 also gives us the ability to take action to combat criminal acts of racism and xenophobia in order to promote the security of our citizens.

43. The European Commission is developing proposals for two anti-discrimination directives, which it plans to publish as soon as possible after ratification of the Amsterdam Treaty. These will deal with discrimination on a wide range of grounds. The United Kingdom is involved in

discussions on this, which began in February. We will continue to play a full and positive part in the development of Community action to tackle racial discrimination once the Treaty comes into force.

Channel Islands

44. In its concluding observations, the Committee recommended that further consideration should be given by the authorities of Guernsey, Jersey and the Isle of Man to the adoption of specific legislation prohibiting racial discrimination, in line with the provisions of the Convention. The Isle of Man Government has reached agreement with the Home Office on the broad content of a Race Discrimination Bill which will be drafted before the summer. This Bill will make acts of racial discrimination unlawful and has been included in the legislative programme for the 1999/2000 legislative session.

45. The drafting of legislation which will allow Jersey to meet its obligations with regard to racial discrimination is under active consideration. An officer has been seconded with the specific task of drawing up a brief for the Law Draftsman. In the meantime, the Insular Authorities remain committed to the principle of the Convention and will take whatever action is deemed necessary to ensure that those principles are observed.

46. After careful consideration, the Insular Authorities have concluded that the situation in Guernsey does not necessitate the need for racial discrimination legislation. The Guernsey authorities also remain committed to the principles of the Convention and this matter is kept under constant review by them.

ARTICLE 4. INCITEMENT TO RACIAL HATRED

47. The United Kingdom maintains its interpretation of article 4 which it stated on signature of the Convention in 1966: that article 4 requires a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only if it considers - with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) - that any additional legislation or variation of existing law and practice is necessary to meet those ends.

48. The United Kingdom notes the Committee's continued view that all organizations of a racist nature should be prohibited by law. The United Kingdom however has a long tradition of freedom of speech which allows individuals to hold and express views which may well be contrary to those of the majority of the population, and which many may find distasteful or even offensive. This includes material produced by a number of avidly racist groups.

49. Successive Governments have held the view that individuals have the right to express such views so long as those views are not expressed violently or do not incite violence or hatred against others. The United Kingdom's domestic law in this area is tried and tested and the United Kingdom firmly believes that it strikes the right balance between maintaining the tradition of freedom of speech and protecting its citizens from abuse and insult.

50. There is already provision in United Kingdom legislation to address conduct which is intended to stir up racial hatred and conduct which involves the incitement of others to racial hatred. These provisions are contained in Part III of the Public Order Act 1986 and extend to the use of words or behaviour; the publication, distribution, display of written material; possession of written or recorded material with a view to publication, distribution, showing, playing etc; the public performance of a play; the distribution, showing or playing of a video or audio recording; and the broadcasting of a programme in order to incite racial hatred.

51. The Government has also introduced, in the Crime and Disorder Act 1998, new offences dealing with racially aggravated crimes. These offences, based on existing offences against the person, criminal damage, public order and harassment, carry higher maximum penalties if the offence is proved to be racially aggravated. Racial aggravation for the purposes of these offences includes offences which are racially motivated or offences where the perpetrator demonstrated racial hostility immediately before, during or after committing the offence. An extract from the Crime and Disorder Act 1998 is at Annex F.

52. Recommendation 39 of the Stephen Lawrence Inquiry Report suggests that consideration should be given to amendment of the law to allow prosecution of offences involving racist language or behaviour and of offences involving the possession of offensive weapons, where such conduct can be proved to have taken place otherwise than in a public place. We accept the Recommendation to consider this. However, we need to balance the concerns expressed with the right to privacy and family life and freedom of speech. We will be examining whether the existing powers the police have are being used effectively enough and will be considering improvements to the guidance given to the police and criminal justice with a view to publishing revised guidance by the end of 1999.

Racism in the Media

53. The Broadcasting Act 1990 requires that the Independent Television Commission ensures that "nothing is included in its (i.e. independent television) programmes which offends against good taste or decency or is likely to incite crime or to lead to disorder or to be offensive to public feeling". The BBC's Producers' Guidelines and Charter and Agreement contain similar provisions.

54. For the non-broadcast media, the Press Complaints Commission's Code of Practice states that "the press should avoid prejudicial or pejorative reference to a person's race, colour, religion ... and, should avoid publishing details of a person's race, colour, religion, ... unless these are directly relevant to the story".

Press Complaints Commission

55. The Press Complaints Commission (PCC) was set up by the newspaper and periodical industry in 1991 to resolve complaints that a newspaper or magazine has breached the industry's code of practice. The Commission comprises eight lay members and seven editors and is funded by the industry. In all cases, the Commission will at first try to resolve any complaint amicably

between the complainant and the editor concerned. If this fails, the Commission adjudicates. In cases where the complaint is upheld by an adjudication, the newspaper will usually be censured and required to print the adjudication summary with due prominence.

Racism on the Internet

56. The United Kingdom Government is concerned at the growth in the use of the Internet as a medium for racist propaganda. We recognize the particular difficulties that policing the Internet for racist or other harmful material involves and will continue to work in a variety of European and international forums to seek to address these problems.

57. The use of the Internet as a medium for racist propaganda is illegal in the United Kingdom. If Internet Service Providers become aware that their service is being used to conduct illegal activity and do not take action, they become liable to prosecution as accessory to the crime. If they cooperate in identifying the perpetrator and cease providing the service to him or remove the illegal material concerned, they will be protected against such prosecution.

58. The Internet Watch Foundation (IWF), established in 1996, aims to determine whether particular newsgroups carry potentially illegal material, to trace the originator, and to ask Internet service providers to remove it from their servers. It also sends details of illegal material to the police or the National Criminal Intelligence Service (NCIS) if the originator is abroad. The IWF has established a hotline for members of the public to report the presence of illegal material, including racist material, in a newsgroup or Web-site.

Holocaust Denial

59. The Government is aware of the strength of feeling, especially but by no means only in the Jewish community, about Holocaust denial. The Government deplores the sentiments expressed by exponents of Holocaust revisionism. These views are singularly offensive and the Government does not under-estimate the hurt, offence and distress they can cause.

60. There is provision in current legislation to deal with the circulation of inflammatory material under the law on incitement to racial hatred, which is contained in Part III of the Public Order Act 1986. If it can be shown that the material is intended or likely to stir up racial hatred, the authors can be prosecuted and face a maximum penalty of two years imprisonment.

61. This is a very difficult area in which to legislate. It is not easy to strike a balance between outlawing such offensive statements and ensuring that freedom of speech is not unduly restricted. We are therefore listening very carefully to all the arguments which are put to us and will consider further legislation, if appropriate, in due course.

ARTICLE 5 (a) - EQUALITY BEFORE THE LAW - TRIBUNALS AND OTHER JUDICIAL BODIES

The Criminal Justice System

62. The United Kingdom Government is firmly committed to equality before the law. Ensuring the equal treatment of all those who come into contact with the criminal justice system is a key priority of this Government.

63. Section 95 of the Criminal Justice Act 1991 requires the Secretary of State to publish such information as he considers expedient in order to enable those involved in the criminal justice system to become aware of the financial implications of their decisions, or to avoid improper discrimination on grounds of race, gender or any other improper grounds.

64. The Home Office published a series of documents in 1992, 1994, 1995 and 1997 on the issue of race and the criminal justice system under section 95. These documents contained information on the representation of ethnic minorities as suspects, offenders and victims in the criminal justice system and on employees within the criminal justice agencies.

65. The United Kingdom Government is committed to extending ethnic monitoring to all stages of the criminal justice system. Recent progress towards that aim has included:

- The introduction of compulsory ethnic monitoring in all police force areas from April 1996; covering stops/searches, arrests, cautions and homicides;

- The publication in 1997 of a major Home Office research project in three police force areas to identify more clearly the difficulties associated with the collection and interpretation of this data;

- A series of joint seminars were held in 1996/1997 between the Association of Chief Police Officers, the Home Office and HM Inspector of Constabulary, to train police staff in the collation of data and to inform senior police officers as to the interpretation and use of the data in the context of their local area;

- The extension, in 1997, of ethnic monitoring to include deaths in police custody;

- The decision that, from 1999/2000 the police ethnic monitoring data on notifiable arrests will be extended to include a breakdown by gender, age and offence group;

- Providing specifications for the new IT systems for both the Crown Court and magistrates' courts, which will enable comprehensive ethnic monitoring throughout the judicial process; with a number of pilot projects being conducted during 1998/1999 to test the feasibility of the proposed approach;

- Providing specifications for the new Crown Prosecution Service IT system, which will allow for comprehensive ethnic monitoring of all casework decisions; and,

- Undertaking or commissioning a number of pieces of research which have included consideration of issues of ethnicity in the criminal justice system, patterns of offending between different ethnic groups, patterns of ethnic minority victimization, and the operation of the criminal justice system in relation to ethnic minorities as suspects, offenders and victims of crime.

66. From 1998 the Home Office has begun to publish all the statistical information collected through ethnic monitoring of the criminal justice system in an annual section 95 report *Statistics on Race and the Criminal Justice System*. The first of these was published on 8 December and was made freely available to criminal justice practitioners and the general public, a copy is attached at Annex G.

Stop and Search

67. The safeguards contained in the Police and Criminal Evidence Act 1984 (PACE) and the Codes of Practice are designed to ensure that stop and search powers are used appropriately and responsibly. Stop and search powers stem from a number of different statutes which are codified within PACE Code of Practice A. The Code was recently revised by Parliament and came into effect on 1 March 1999.

68. The revised version incorporates changes in public order and anti-terrorism legislation, *and* seeks to clarify how searches using stop/search powers are to be conducted. A new note for guidance has been inserted which emphasises the importance of supervising officers considering and addressing any evidence that stop and search powers are being used in a discriminatory way.

69. The police associations have all welcomed the proposed revisions. In particular, the Police Federation and the Superintendents' Association have warmly welcomed the clarification on conduct of searches under stop and search powers.

70. The Stephen Lawrence Inquiry made four recommendations on the use of Stop and Search powers. The report agreed that the powers of the police under current legislation are vital and should remain unchanged, but it recommended some changes to the way the powers are used. The Home Secretary has said that the proposed changes, which include ensuring that a record is made of all "stops" and "stops and searches", including voluntary stops, and a record given to the person stopped, will be assessed through pilot projects. The Home Office is committed to working with the Association of Chief Police Officers, Her Majesty's Inspectorate of Constabulary and the Association of Police Authorities to take forward the recommendations in the Stephen Lawrence report on Stop and Search.

Deaths in Custody

71. In its concluding observations on the fourteenth United Kingdom Report, the Committee recommended that close attention should be given to the issue of deaths in police custody and to the monitoring of the conditions and treatment of persons detained in police stations.

72. All deaths in police custody are treated extremely seriously and there is a rigorous system in place for investigating and taking action on such incidents. The independent Police Complaints Authority is required to supervise the investigation of all deaths in custody and cases must be referred to an independent Coroner.

73. The numbers and circumstances of all deaths in police custody are published every year. Ethnic monitoring of all deaths was introduced in April 1996 and this information is published as part of the Home Office report.

74. In the year from April 1996 to March 1997, there were 57 deaths, and the number of persons from ethnic minorities was 8, 14 per cent of the total. In the year from April 1997 to March 1998, there were 69 deaths in police custody or otherwise in the hands of the police. Of these, the number of persons from ethnic minorities was eight, 12 per cent of the total.

75. There are a number of initiatives which the Home Office has taken in order to avoid deaths in custody. A new Prisoner Escort form was piloted in 1998 and has now been implemented in all forces. This has been introduced to improve Risk Assessment and record keeping. In June 1998, the Police Research Group published a booklet on deliberate self-harm/suicide awareness for use by the police.

76. The Police Complaints Authority held a conference in October 1998 on deaths in police custody. One of the main points made at that conference was that there should be as much disclosure as possible by police forces prior to the inquest. The Home Office fully supports this and is encouraging the police to be as open as they can, particularly in cases of deaths in custody. Guidance to Chief Officers on disclosure is to be issued to Chief Officers in the near future.

77. The Home Office has given approval for the trial of electronic monitoring of the occupants of cells in both the police and prison services. Using the latest technology, the equipment monitors the breathing and heart-rate of occupants of cells and alerts custody officers if vital signs reach a set warning threshold. If successful, the equipment could prevent a large number of deaths occurring in the future.

Community Relations

78. Her Majesty's Inspectorate of Constabulary (HMIC) published a report on Police Community and Race Relations, *Winning the Race*, in October 1997. The report found that, although much work had been done by police forces in this area, performance was patchy and further steps needed to be taken to ensure that racism and discrimination was eliminated.

79. The main findings of the report were that:

- Forces should publicly reaffirm their commitment to investing in good community and race relations as a core function of policing;

- Forces should give a higher priority to dealing with neighbourhood incidents of anti-social behaviour;

- Forces (who have not already done so) should clearly state that they regard the behaviour of officers who show racial or other prejudice in their behaviour and language as completely unacceptable. Clear procedures should exist for dealing effectively with such behaviour;

- Training in community and race relations should be given greater emphasis, and priority should initially be targeted towards first line supervision;

- Forces should sustain their efforts to ensure their composition reflects the communities they serve, but they need to address more robustly the question of the retention of officers from various backgrounds as well as their recruitment;

- All forces should consider a community and race relations audit.

80. The Government welcomed the report and fully supported its conclusions and recommendations. A follow-up inspection of 15 forces was carried out in Autumn 1999 to assess how much progress has been made by forces in community and race relations. This was published in March 1999 and found that, although some work had been done by police forces, more needed to be done to ensure that racism and discrimination were eliminated. A further audit will be carried out in 12-18 months' time by which time improvements should have been made.

81. A new contract to provide specialist support to the police on training in community and race relations was recently announced by the Home Office. This will move to a force-based approach to training which will be more locally focused. The new contract came into effect on 1 January 1999 and is set to run for three years.

Northern Ireland

82. The Royal Ulster Constabulary (RUC) continued to maintain close links with the Chinese and other ethnic minorities. This has included participation in a public meeting in Belfast in October 1997, arranged by the Chinese Chamber of Commerce and attended by the Deputy Assistant Chief constable of Belfast and senior representatives from the Criminal Investigation Division and Crime Prevention and Community Affairs Branch of the RUC. The Police Authority for Northern Ireland and the Community Affairs Branch of the RUC sponsored the publication of the Chinese Welfare Association's 1997 Annual Report, which was distributed in time for the Chinese New Year.

83 Recognising that the Chinese Community represents almost 50 per cent of Northern Ireland's ethnic community, the RUC has now established a formalized network of contacts between sub-divisional Ethnic Liaison Officers and Chinese Welfare Association representatives. This has included a joint training input by the RUC Community Affairs Branch and the Chinese Welfare Association. The initiative has been confined to six subdivisions, identified by the Chinese Welfare Association as those areas where the need was greatest. It is, however, to be extended to all areas this year.

84. A Community Policing Liaison Committee Meeting is held on a bimonthly basis in Donegall Pass Police Station in Belfast. This provides a forum for an exchange of views and is attended by the Sub-Divisional Commander, members of the Community Affairs Team and respected and influential members of the Chinese Community. Any incidents of a racial nature occurring within the Donegall Pass sub-division are followed up by the Community Affairs Team once all initial investigations have been carried out. The Team has now established a successful working relationship with the Chinese Welfare Association.

85. The first meeting of the Community Policing Liaison Committee for Ethnic Minorities took place in March 1999 in partnership with the Police Authority for Northern Ireland and the Northern Ireland Council for Ethnic Minorities. Its aim is to create a formal channel of communication between the RUC and all members of the ethnic minority communities.

National Association for the Care and Rehabilitation of Offenders (NACRO) Race Unit

86. The NACRO Race Unit was established with Government funding in 1993 to assist criminal justice agencies to implement their written policies on equality. The Unit initially worked in four areas: Leeds, Leicester, Surrey and Inner London. In each area the Unit formed an inter-agency committee with a membership comprising representatives of all criminal justice agencies together with Race Equality Councils and members of voluntary agencies working in the criminal justice field. As a result, lasting working arrangements have been established in three of those areas.

87. In 1996 the Unit received funding for a further three years to work directly with Area Criminal Justice Agencies. In particular the Unit is able to assist committees as a whole and individual member agencies to implement the 50 recommendations made in the Criminal Justice Consultative Council's report on race and criminal justice. The initial programme involves work with 10 Area Committees. This work includes preparation of an equality of service audit, the identification of action plans and training needs, the design of model courses, progress checking, and communication with local communities.

88. The audit involves examining the impact of the criminal justice system on black people as defendants and offenders, victims of crime, witnesses and professionals working in the organizations concerned. Information is collected on the following:

- Composition of the local population;

- Written equalities policies (local or national), action plans, targets, reviews and implementation and public materials which inform users of the policy;

- Figures on any ethnic monitoring of service delivery e.g. stop and searches, numbers of probation orders, etc., victims' services including victims of racial attacks or harassment, prison accommodation and work;

- Monitoring of young offenders;

- User groups involving the wider public, e.g. police sector meetings, court user groups, outside groups involved in prison work;

- Any inter-agency work;

- Other initiatives or experiences in equalities work;

- Figures on staff recruitment, position/rank, promotions/appraisals, retention and reasons for leaving;

- Staff equalities training;

- Results of any user or customer surveys.

89. Nationally, the Unit publishes a quarterly newsletter and is engaged in producing a report on the extent to which ethnic monitoring is translated into action to improve the quality of services.

Judicial Training

90. The Ethnic Minorities Advisory Committee (EMAC) was established in 1991 by the Judicial Studies Board (JSB) to assist in addressing racial and multicultural issues in courts. Its prime objective is to provide training to raise the awareness of all who sit in any form of judicial capacity in courts or tribunals so as to help ensure that the judicial system is culturally and racially neutral.

91. In January 1998 the remit of the EMAC of the JSB was extended in recognition of the fact that there were other groups which might be disadvantaged before the courts who deserved the attention of the JSB and who had in the past not been of central concern to the Board or its Committees. The Committee is now known as the JSB Equal Treatment Advisory Committee (ETAC). ETAC operates in four working groups, one of which is concerned exclusively with race and ethnic minority issues.

92. The JSB has continued to run specific ethnic minority sessions on each induction course for newly appointed Crown Court assistant recorders and newly appointed deputy district judges. There are more general equal treatment sessions - covering ethnic minority issues - at other JSB courses for professional full-time and part-time members of the judiciary who sit in criminal, civil and family jurisdictions in the crown, county and magistrates' courts.

93. ETAC has also played a major role in identifying the needs of trainers in equal treatment training for lay magistrates and in settling the content of the training itself. Mr Karamjit Singh, the ETAC Vice Chairman, chaired the JSB steering group on this initiative. The training materials developed were piloted at training events around the country and the final pack was launched at a series of briefing days during March and April 1998. Competencies relating to equal treatment issues including race and ethnic minorities issues are included in the new competency-based approach for the training of lay magistrates.

94. ETAC is contributing to the development of a strategy for equal treatment training in tribunals, based on the production of a training materials handbook, a video-based training module, and an equal treatment training course for trainers. In addition, during 1997/98, ETAC assisted the Immigration Appellate Authority by advising on the development of a programme and by making the practical arrangements for a series of three one-day seminars on ethnic minority awareness issues for immigration adjudicators, which took place in July and November 1997 and February 1998.

95. The Judicial Studies Board (Northern Ireland) is mindful of racial and multi-cultural issues and is looking to arrange a suitable training event for the Northern Ireland Judiciary.

Community Legal Service

96. The Government is proposing to establish a Community Legal Service to help all sections of society, in particular the socially excluded. The aim of the Community Legal Service will be to ensure that people with actual or potential legal problems are better able to find the information and help they need, by improving access to quality legal and advice services. Our core vision is that there should eventually be a network of quality providers of legal and advice services, supported by coordinated funding, delivering services to local communities.

97. The Community Legal Service will focus on the provision of information, advice and assistance on a person's legal rights and responsibilities in relation to housing, welfare benefits, immigration, debt and employment. We will be encouraging the formation of partnerships between local authorities and the regional legal service committees of the Legal Aid Board, and if possible other significant funders, to come together to form Community Legal Service Partnerships. The local partnerships will coordinate funding and planning of local legal and advice services, to ensure that delivery of services better matches local needs, including those of ethnic minority groups.

Legal Aid

98. The Access to Justice Bill will radically reform the legal aid system. The Government's aims are twofold: to bring about a significant increase in access to justice; and to obtain the best value for taxpayers' money spent on legal services and the courts. The Government will achieve these aims by:

- Providing better access to information through a Community Legal Service, so that people know what their rights and obligations are, and where they can obtain help to avoid or resolve legal problems;

- Promoting affordable legal services for those who need them, and developing alternative ways of resolving disputes outside the courts;

- Improving the management of the courts, and simplifying their procedures so that they provide a more effective, efficient and user-friendly service.

99. One objective of the legal aid reforms is to target help to those in most need and on matters of public interest. In particular, civil legal aid is to be focused on the needs of those who are at risk of social or economic exclusion. The areas concerned include housing, employment, debt, welfare benefits, immigration and judicial review. To the extent that ethnic and other minorities face social and economic exclusion, the reforms will better target the available resources to their needs.

100. The Government is also looking to reform the Legal Aid System in Northern Ireland and on 14 June published a consultation paper in this jurisdiction entitled, "Public Benefit and the Public Purse". Again, one of the main Government objectives is to target resources to those in greatest need.

Ethnic Minorities in the Legal Profession

101. The Government is pleased to report that the number of ethnic minorities in the legal professions in England and Wales is tending to increase, and that recent statistics suggest that ethnic minorities form a significant proportion of new entrants to the professions.

102. There are currently 718 barristers in independent practice who are known to be of ethnic minority origin, out of a total of 8,456 barristers in independent practice of known ethnicity: i.e. 8.5 per cent. In the period 1 October 1996 to 30 September 1997, approximately 15 per cent of pupils (of known ethnicity) were of ethnic minority origin.

103. There are currently 3,714 solicitors with a practising certificate who are known to be of ethnic minority origin, out of a total of 75,702: i.e. 4.9 per cent. Sixteen per cent of trainee solicitors of known ethnicity registered in 1997/98 were of ethnic minority origin.

[Notes: Figures for barristers compiled by the Bar Council Race Relations Unit as at 15 September 1998. Figures for solicitors given in the Law Society's Annual Statistical Report 1998.]

Recruitment to the Judiciary

Professional Judiciary

104. Judges in England and Wales are drawn mid-career from the ranks of experienced members of the independent practising profession. The Lord Chancellor appoints on merit the candidates who best demonstrate the criteria for appointment. He is encouraging greater numbers of ethnic minority practitioners to apply. They are, as yet, a small proportion of the professional judiciary as a whole but that is, at least in part, a reflection of the number of practitioners from ethnic minorities within the legal profession with the appropriate years of experience. As more members of ethnic minorities have entered the profession their numbers in the judiciary continue to show a steady increase. This is shown in the higher percentage of ethnic minority judges in the part-time ranks of the judiciary than at the higher full-time level.

105. To encourage applications from ethnic minority lawyers, the Lord Chancellor has written to all Heads of Barristers Chambers seeking their assistance and has addressed conferences on

the subject. He has also introduced a number of initiatives, including a work shadowing scheme. Consideration is also being given to the appointment of an ombudsman to examine fully complaints from anyone who feels unfairly treated by the appointments process. In the meantime the Lord Chancellor has committed himself personally to investigate any claims of discrimination. The Lord Chancellor also supports the action taken by the Bar Council and the Law Society to promote equal opportunities within the profession and his officials are involved in a joint working group on equal opportunities in judicial appointments which comprises members from both branches of the profession.

106. Statistics for the number of judges of ethnic origin in the main judicial posts in England and Wales are attached at Annex H. Formal recording of the ethnic origin of applicants for judicial office did not begin until October 1991 and there has been no full survey of all serving members. The figures are based on information collated from responses to ethnic origin questionnaires from applicants to judiciary posts (the questionnaires are not obligatory). This information is, therefore, incomplete.

The Lay Magistracy

107. With a few exceptions anyone in England and Wales is eligible to serve as a magistrate and may put themselves forward for appointment. Candidates are recommended for appointment by committees of local people, who seek applications through local advertising or by approaching local organizations. It is the task of these Local Advisory Committees, not only to assess the suitability of candidates, but also to make sure that magistrates are drawn from different walks of life and that the composition of the bench broadly reflects the community which it serves. Members of Advisory Committees are themselves drawn from a wide cross-section of the local community.

108. Statistics for the number of magistrates of ethnic minority origin are attached at Annex I. These figures are based entirely on a survey of those who were magistrates on 1 May 1997 and do not include those appointed in the Duchy of Lancaster (Lancashire, Greater Manchester and Merseyside) who are not appointed by the Lord Chancellor. Magistrates were not required to respond to the survey.

The Prison Service

109. The Prison Service is committed to racial equality. Improper discrimination on the basis of colour, race, nationality, ethnic or national origins or religion is unacceptable, as is any racially abusive or insulting language or behaviour on the part of any member of staff, prisoner or visitor, and neither will be tolerated.

110. A comprehensive review of Prison Service policies and procedures in 1995/96 culminated in the issue of a new Prison Service Order on Race Relations in 1997. All prison establishments are required to have structures in place to foster sound race relations. These must include a Race Relations Management Team to monitor progress, and a Race Relations Liaison Officer to offer advice and support.

111. The Prison Service race relations policy requires prisons to ensure the fair treatment of foreign nationals. These prisoners face particular difficulties including language and isolation from their families. To alleviate these problems, the Prison Service has published the Foreign Prisoners' Resource pack providing information and guidance for both prisoners and staff working with foreign nationals. The pack, which is available in 12 languages, includes information on translation and interpreting services, the working of the criminal justice system, immigration services, customs and excise, and contact with embassies and consulates. A revised pack should be issued by the end of the year.

112. The Prison Service continues to develop new initiatives. In May 1998 the Prison Service committed itself to a programme of work to reduce gaps between policy and practice. For Prison Service staff, this programme includes:

- Targets for recruitment and representation of ethnic minorities at all levels within the Prison Service;

- Action to ensure that there is no discrimination in appraisal and selection procedures

113. For prisoners, the programme includes action on:

- The availability of appropriate/specialized products in prison shops and canteens;

- Strengthening the leadership of race relations management teams;

- The provision of translated literature;

- The development of community links.

114. A high profile new group tasked with ensuring that race relations remains at the core of the Prison Service policy was established in July 1998 and includes representatives from local and national organizations and support groups, as well as representatives from the Prison Service. The Group is chaired by the Director General.

ARTICLE 5 (b) - SECURITY OF THE PERSON

Racial Violence and Harassment

115. The United Kingdom Government condemns all forms of harassment and violence but there is something particularly abhorrent about racist crime. Not only does it injure the victim or damage their property, it adversely affects the victim's whole family and impacts on the whole community. In addition to the personal pain, racist crime also erodes the standards of decency of the wider community. Trust and good relations built up over many years can be destroyed by one malicious incident.

116. This Government is determined to crack down on mindless bigotry and thuggery which destroys the lives of so many. We have therefore introduced specific new offences of racially aggravated violence, harassment and criminal damage in the Crime and Disorder Act. These offences came into force in September 1998.

117. The new offences correspond to the existing main offences which deal with violence against the person (except those which carry a maximum sentence of life imprisonment), criminal damage and offences of harassment. They include a test that there was either racial motivation or any aggravating evidence of racial hostility in connection with the offence, and provide the courts with higher maximum penalties to reflect the racial aspect to the crime.

118. The Act sends out a strong message that racial violence and harassment is unacceptable and will be dealt with very seriously by the police and the courts. It also ensures that a higher priority is given to the identification of the racial element of the crime in the gathering of evidence, thus preventing the racial aspect from being overlooked in sentencing.

Stephen Lawrence Inquiry

119. Details of the action to be taken in response to the Report of the Judicial Inquiry into the death of Stephen Lawrence was provided earlier in this Report. The Home Secretary's Action Plan in response to this Report provides a framework for change which aims to deliver permanent improvements to the handling of racist crime.

120. Full details of the Stephen Lawrence Inquiry recommendations and the Home Secretary's Action Plan are attached at Annex B.

Racial Incidents

121. An interdepartmental Racial Attacks Group was established in 1987 following the 1986 Home Affairs Committee Report on racist attacks. This work is now being continued by the Racist Incidents Standing Committee (RISC) whose aim is to make progress in responding to racist incidents both individually and in collaborative partnerships. RISC focuses on four key areas: dealing with the perpetrators of racist crime; the reporting and recording of racist crime; the operation of multi-agency panels; and services to people experiencing racist harassment.

122. Increasingly multi-agency working has been formalized through the establishment of multi-agency panels. These develop locally and vary considerably, but allow agencies tackling racist crime to evaluate and improve the service provided. At the end of 1998 the Home Office and RISC jointly published a Good Practice Guide in Multi-Agency Working on Tackling Racial Incidents called "*In This Together*". A copy is attached at Annex J.

<u>Recording Racist Incidents</u>

123. Racial Incidents are recorded by the police on the basis of the following definition: "Any incident in which it appears to the reporting or investigating officer that the complaint involves an element of racial motivation, or any incident which includes an allegation of racial motivation made by any person."

124. The Home Office will ensure that the new simplified definition of a racist incident is universally adopted by the police, local government and other relevant agencies, as recommended in the Stephen Lawrence report. The definition is that, "A racist incident is any incident which is perceived to be racist by the victim or any other person."

125. The number of racist incidents reported to the police has increased since 1989 from 5,044 to 13,878 reported in 1997/98. These figures under-represent the number of incidents occurring. Findings from the 1996 British Crime Survey (BCS) on ethnic minorities' experience of crime showed a considerable gap between crime incidents perceived to be racially motivated by victims and the number of incidents recorded by the police.

126. Many racist incidents are not reported to the police, though some may be reported to other agencies. Even if crimes against people of ethnic minority origin are reported to the police, the racist element may not be mentioned. Under-recording by the police is also a significant factor.

127. The police and the Crown Prosecution Service (CPS) are increasingly working together to improve the standards of reporting and recording of racist incidents. The Government welcomes the steps many police forces have taken to increase the reporting rate of racist incidents. This will have influenced both public confidence in the police's response to such incidents and the number of offences reported. Although the number of recorded racist incidents has risen annually since 1989, there are still improvements to be made. A table of racial incidents for all police force areas from 1993/94 to 1997/98 is set out below.

Police force area	1993/94	1994/95	1995/96	1996/97	1997/98	Percentage change 1996/97 to 1997/98
Avon and Somerset	159	286	318	310	409	32
Bedfordshire	60	41	43	77	75	-3
Cambridgeshire	100	75	160	141	147	4
Cheshire	98	62	27	92	78	-15
Cleveland	50	62	112	68	76	12
Cumbria	17	24	27	37	46	24
Derbyshire	221	291	192	208	174	-16
Devon & Cornwall	14	44	73	82	90	10
Dorset	25	37	41	67	86	28
Durham	32	26	23	24	37	54
Essex	133	127	178	116	160	38
Gloucestershire	28	37	34	34	32	-6
Greater Manchester	658	637	776	595	624	5
Hampshire	212	210	279	178	219	23
Hertfordshire	117	183	234	295	288	-2
Humberside	79	75	58	55	72	31
Kent	160	173	129	256	276	8

Police force area	1993/94	1994/95	1995/96	1996/97	1997/98	Percentage change 1996/97 to 1997/98
Lancashire	262	222	320	337	311	-8
Leicestershire	315	366	270	299	237	-21
Lincolnshire	4	2	0	7	6	-
London, City of	1	6	2	10	6	-
Merseyside	155	131	130	162	241	49
Metropolitan Police	5 124	5 480	5 011	5 621	5 862	4
Norfolk	33	39	41	56	89	59
Northamptonshire	102	146	214	195	318	63
Northumbria	405	508	475	488	444	-9
North Yorkshire	22	30	37	43	41	-5
Nottinghamshire	264	259	362	330	391	18
South Yorkshire	115	156	194	169	213	26
Staffordshire	117	164	253	225	214	-5
Suffolk	73	73	74	74	54	-27
Surrey	79	39	77	55	45	-18
Sussex	214	247	263	260	298	15
Thames Valley	166	233	266	233	279	20
Warwickshire	87	114	99	66	107	62
West Mercia	100	35	46	64	57	-11
West Midlands	487	375	489	725	632	-13
West Yorkshire	244	254	355	623	644	3
Wiltshire	51	64	37	35	59	69
Dyfed Powys	0	3	23	18	17	-6
Gwent	21	22	32	60	45	-25
North Wales	2	3	5	4	12	-
South Wales	400	517	443	357	367	3
Total	11 006	11 878	12 222	13 151	13 878	6

128. In its concluding observations, the Committee requested that we include in the fifteenth report, information on the number of prosecutions for offences of a racist character with an indication of the sentences imposed in representative cases. We hope to have these available for the Committee in time for the oral examination of this report.

Scotland

129. Recognizing the need to develop an effective response to the complex and sensitive issue of racial attacks and harassment, Scotland's Chief Constables have already developed and are vigorously pursuing progressive race relation policies both within their forces and reaching out to the communities they serve. These policies were developed in collaboration with leaders of ethnic communities. Police officers are required to give full weight to and robustly investigate racial incidents.

130. All Scottish forces currently work to the nationally agreed definition in the handling and recording of incidents of a racial nature, i.e. "any incident in which it appears to the reporting officer or the investigating officer that the complaint had an element of racial motivation; or any incident which includes an allegation of racial motivation made by any person." However, the scope for changing the current definition and recording procedures is being considered in light of the Stephen Lawrence Inquiry report.

131. The regular inspection of police forces by Her Majesty's Chief Inspector of Constabulary ensures that an even-handed and sympathetic approach is maintained by individual forces in their handling of racial incidents. Whilst there has been a steady rise in recorded racial incidents in Scotland, this is viewed as evidence of increased confidence among those belonging to ethnic communities to report such incidents to the police. Much of this increased confidence has arisen from the growth of innovative multi-agency approaches to racism. These are partnerships which are underpinned by increasingly good relationships between the police and Scotland's ethnic communities. Figures for racial incidents in Scotland are attached at Annex K.

Northern Ireland

132. The total number of racial incidents recorded by the Royal Ulster Constabulary during the last 12 months is 90 incidents.

Police Complaints

133. There are complaints and discipline procedures contained in Part IV of the Police Act 1996 to ensure that police officers are fully answerable for their actions. The Act places the responsibility for recording and investigating complaints with the chief officer of the force concerned. The report of the investigation will be sent to the independent Police Complaints Authority (PCA) for its consideration.

134. The PCA has the power to supervise the investigation of serious complaints; to call for any additional information it considers necessary; and to recommend or direct the hearing of disciplinary charges against an officer. It also writes to complainants about the outcome of their complaints.

135. The Police Complaints Authority considered a total of 18,354 specific complaints in 1997/98. This compared with:

19,953 in 1996/97
18,607 in 1995/96
19,103 in 1994/95
17,991 in 1993
19,289 in 1992

A total of 237 formal disciplinary charges were preferred against police officers in 1997/98. Previous totals were:

235 in 1996/97
253 in 1995/96
345 in 1994/95
236 in 1993 and
252 in 1992

136. The Home Secretary has accepted the Home Affairs Select Committee's recommendation to conduct detailed feasibility studies into independent arrangements for complaints investigations, and agreed that further measures should be considered with a view to providing greater independence and openness in the existing complaints system. It was also a recommendation in the Stephen Lawrence Report that the Home Secretary consider what steps should be taken to ensure that serious complaints against police officers are independently investigated. The Home Secretary has said that a feasibility study of an independent complaints system will be completed by April 2000.

137. He also endorsed the Home Affairs Select Committee's proposal that all representations which could constitute a complaint should be registered by the police, with a right of appeal to an independent body for the complainant where the police have refused to record a complaint. The Government has also supported the Select Committee's recommendation that police forces should make greater efforts than hitherto to resolve complaints by judicious use of apologies and ex gratia payments.

Police Recruitment and Training

138. A new strategy for the provision of a Home Office-funded independent expert support to the police service in community and race relations (CRR) training came into effect in January 1999. This comprises two elements: integration of CRR throughout the national training curriculum; and support and training to individual forces to place CRR firmly within operational policing.

139. We hope that this new force-based approach will provide the right operational and cultural context in which effective training can take place.

ARTICLE 5 (c) - POLITICAL RIGHTS - RIGHTS TO PARTICIPATE IN ELECTIONS, RIGHTS TO TAKE PART IN GOVERNMENT AND THE CONDUCT OF PUBLIC AFFAIRS

Voting Rights and Elections

140. In the United Kingdom the right to vote is restricted to British, Commonwealth and Irish citizens, who are eligible to vote at all elections, and to citizens of the EU, who may vote at European Parliamentary elections and local elections.

141. Research commissioned by the Government after the 1991 Census showed that some groups were less likely to register than others, including young people and those living in inner city areas, as well as members of ethnic minority communities.

142. A recent survey undertaken on behalf of Operation Black Vote (the principal organization concerned with electoral participation by people from ethnic minorities) argued that the concentration of unregistered ethnic minority voters in inner city areas has maximized their statistical significance in the United Kingdom electoral process. It quotes an estimate that 27 per cent of ethnic minorities compared with 18 per cent of whites do not appear on the electoral register for these areas. However, the Government's own recent research suggests that non-registration is increasing at a slower rate among ethnic minority groups as compared with those describing themselves as white.

Encouraging electoral registration

143. In addition to maintaining regular contacts with Operation Black Vote, the Government also carries out an annual advertising campaign to encourage people to register, which is particularly targeted at young people and people from ethnic minorities. The Government spent around £700,000 on television advertising during the 1998 canvass, the majority of which was targeted at ethnic minority channels and programmes. In addition, campaigns conducted by local registration officers employed targeted publicity material, citizenship initiatives with schools, and some joint working with groups such as Operation Black Vote. Guidance notes on registration are provided in eight minority languages.

144. A review covering a wide range of electoral procedures is now being conducted by a Working Party on Electoral Procedures under the chairmanship of the Parliamentary Under-Secretary of State, Mr George Howarth MP; it is due to deliver its final report to the Home Secretary in the summer.

145. Among other issues, the Working Party is considering what further good practices can be recommended in order to maximize electoral registration and to encourage voter participation among under-registered groups. We understand that the Association of Electoral Administrators (which is represented on the Working Party) is also encouraging electoral registration offices to submit useful ideas on improving ethnic minority registration, and will in due course be publishing best practice guidance notes to its members.

Proportional representation (PR)

146. The Operation Black Vote survey results suggested that ethnic minorities would be more likely to vote than white people if a system of proportional representation were introduced. An independent commission, chaired by Lord Jenkins of Hillhead, has recommended a system of PR as an alternative to first-past-the-post, and in due course the general public will be asked to decide, in a referendum, between retaining the present system or adopting the system identified by the Commission as the most suitable alternative.

Representation in Political Life and Public Services

147. All the major political parties take steps to encourage ethnic minority participation. There are currently nine elected Members of Parliament from visible ethnic minority groups.

Local Government

148. The Local Government Management Board carried out the first national census of all local authority councillors in England and Wales in the Autumn of 1997. The results of this survey were published in March 1998, and showed that at 3.1 per cent of all councillors, ethnic minorities were under-represented in local government.

149. However, the Government is seeking to address this problem, and wishes to see councils actively engage with all sectors of their local communities. On 24 March, we published the paper: "Local leadership, local choice". This included a draft Bill on radical proposals for the modernization of local government political management structures. Public participation in decision-making underpins this agenda.

150. Modern councils will need to be outward-looking and responsive to the needs and aspirations of local communities they serve, and actively involve people from all backgrounds. It is hoped that once people from ethnic minorities are more actively consulted in decision-making by their councils, turnout at local elections will increase, and more people from among these groups will be encouraged to stand for election in due course.

The Scottish Parliament

151. The Government is committed to a Scottish Parliament, which represents Scottish communities including black and minority ethnic communities. The All-party Consultative Steering Group on the Scottish Parliament identified equal opportunities as a key issue for the operation of Parliament. A recent consultation exercise and a number of open forum meetings invited public views on how this can be achieved.

152. Equal opportunities matters are reserved to Whitehall under the Scotland Act so lead responsibility for racial equality will rest with the Home Office. Nevertheless, it is expected that there will be an increased profile for racial equality issues under the Scottish Parliament.

Public Appointments

153. The Government is committed to a policy of equal opportunities in public appointments. We recognize that members of ethnic minorities are under-represented on the boards of public bodies and we are working to improve that position.

154. In 1992, when ethnic monitoring of public appointees was first introduced, 2 per cent of appointments were held by members of ethnic minority communities. By 1998, this had risen to 3.7 per cent of appointments.

155. Although this increase is welcome, we are keen to ensure that further progress is made. A plan of action has been drawn up based on the Government's overall commitment to the equal representation of women and men in public appointments, and a pro rata representation of members of ethnic minority groups. As a result, all Government Departments have produced individual plans which include goals and objectives for increasing the number of appointments held by members of the ethnic minorities for the period 1998-2001. Details of the Government's plan of action and individual departmental plans were published in a paper, "Quangos: Opening Up Public Appointments" on 29 June 1998. A copy is attached at Annex L.

156. This work is supported by our Public Appointments Unit (PAU) which monitors the progress made by Departments on an annual basis. Departments are currently updating their plans with a view to producing revised plans for 1999-2002 for publication in May 1999.

157. In addition, the PAU actively promotes equal opportunities through its various programmes of work. There is regular contact with companies, universities, professional bodies and representative organizations, and members of the Unit participate in events and seminars run by such groups. The Unit provides guidance to departments on all aspects of equal opportunities policy, and is advised by a small working group, with representatives from key equal opportunities organizations, including the Commission for Racial Equality. The Unit also works closely with the Commissioner for Public Appointments who has a keen interest in equal opportunities issues.

Equal Opportunities in the Civil Service

158. The Civil Service equal opportunities policy provides that all eligible people must have equality of opportunity and advancement on the basis of their suitability for the work. There must be no unfair discrimination on the basis of race, colour, nationality or ethnic origin.

Ethnic monitoring

159. The "Civil Service Management Code" requires departments and agencies to monitor data on the ethnic origin, age, gender, disability, and (in Northern Ireland) community background of staff and applicants. The information is used to assess the effectiveness of their policies and action plans, and the effects on each group of key personnel procedures.

160. The "Civil Service Programme for Action to Achieve Equality of Opportunity in the Civil Service" for ethnic minorities also advocates the use of monitoring procedures and follow-up actions for people of ethnic minority origin.

161. The Civil Service publishes an annual Equal Opportunities Data Summary which includes monitoring data on ethnic minority staff.

162. Overall, ethnic minority representation in the Civil Service was 5.7 per cent on 1 April 1998. This is slightly higher than the figure of 5.4 per cent in the economically active population. However, we recognize that there is a need to focus attention on improving representation across management grades, particularly in the more senior parts of the Service where ethnic minority representation is less than 2 per cent: in 1998, 1.6 per cent of Senior Civil Service level staff (SCS) were from an ethnic minority background.

163. The number and percentage of Civil Servants from ethnic minorities as at 1 April 1998 is set out in the table below.

Total ethnic minority staff in post by responsibility level at 1 April 1997[1]

Responsibility level	SCS	Grade 6	Grade 7	SEO	HEO	EO	AO	AA	Total
Ethnic minority staff (numbers)	53	109	369	477	1 050	4 482	10 744	4 331	21 615
Ethnic minority staff (percentage)	1.6	2.7	2.5	2.4	2.5	5.1	7.3	7.4	5.7

Source: Mandate and Departmental Returns.

[1] Non-industrial staff who responded to departmental surveys on ethnic origin.

164. The Head of the Home Civil Service, Sir Richard Wilson, and a number of Permanent Secretaries and Agency Chief Executives have signed up to the Commission for Racial Equality's Leadership Challenge. This invites those in positions of influence to give a personal lead in promoting racial equality in their organization.

165. An Advisory Panel on Equal Opportunities in the Senior Civil Service was set up in 1994 to provide advice on improving the representation of ethnic minorities in the Senior Civil Service. Its Chair supports the Head of the Home Civil Service. Additionally, a Working Group of Personnel Heads from across Government commissioned research to examine what factors help or hinder ethnic minority staff to progress into the Senior Civil Service (SCS). Further, a Joint Charter for Action to redress the under-representation of ethnic minorities in the Senior Civil Service was launched by the Government in February 1999. The Charter is an important demonstration of the Service's commitment to racial equality and, particularly, to redressing the under-representation of ethnic minorities in the Senior Civil Service.

166. Taking forward the work in paragraph 167, the 1999 Modernizing Government White Paper clearly recognizes that the public service must be a fair employer, reflecting the full diversity of society; and that, at present, it does not since people from ethnic minorities and others are seriously under-represented in the more senior parts of the public service. The White Paper sets the target that for 2004/05, 3.2 per cent of the Senior Civil Service will be from an ethnic minority background. In 1998, as shown in the table above, the figure was 1.6 per cent.

Training and Development

167. The Civil Service is a major sponsor of the Windsor Fellowship's Undergraduate Programme, through which work placement opportunities are offered to high calibre ethnic minority undergraduates. Civil Service departments and agencies have sponsored some 150 Fellows since the Fellowship was set up in 1986.

168. A number of Civil Service Departments have set up, or are about to set up, development programmes and mentoring opportunities for ethnic minority staff, for example the Department

for Social Security (DSS) Development Scheme for ethnic minority staff "Realising Potential". All business units in the DSS have signed up to the programme and are contributing resources for bursaries. Although these schemes do not guarantee participants promotion, they do provide an opportunity to gain experience and an insight into work at the next level. Other Departments, such as the Department for Education and Employment, have similar schemes.

Armed Forces

169. In March 1998 the Ministry of Defence (MOD) and the Commission for Racial Equality (CRE) signed a unique five-year "Partnership Agreement" to promote racial equality within the Armed Forces.

170. The Partnership Agreement is comprehensive and reflects the considerable challenges that lie ahead. As we are striving to achieve our recruitment goals, each of the Services will also continue to take action to improve retention of ethnic minorities, which includes implementing measures to prevent racial harassment and discrimination and providing effective procedures to deal with complaints of harassment and discrimination.

171. The MOD won seven awards at the British Diversity Awards in November 1998. The Chief of the Defence Staff was awarded the Bronze award for his commitment to the CRE Leadership Challenge. The Gold award was received for Raising Diversity Awareness in establishing an Equal Opportunities Training Centre at Shrivenham. A further five awards went to the Naval Service.

172. However, despite these achievements, ethnic minorities remain under-represented in the Armed Forces, making up around 1 per cent of personnel. The Services wish to increase representation to better reflect the diversity of the United Kingdom population and ethnic minority recruiting goals were set at 2 per cent for 1998/99, rising by 1 per cent each year to reach 5 per cent by 2001/02.

Leadership

173. The Chief of the Defence Staff and the individual Service Chiefs have accepted the CRE's Leadership Challenge. They have given their personal commitment to promote racial equality together with taking practical steps to promote change within their own organizations.

174. Each Service has issued individual Equal Opportunity Directives and leaflets on harassment and complaints procedures. These are supported by individual Service Equal Opportunities Action Plans which allow the Services to monitor their policies and practices. They also ensure that awareness of all diversity issues are considered when forming new policy or initiatives.

175. It has been made absolutely clear to all Service personnel that the MOD has a "Zero tolerance" policy on racial discrimination and harassment, and the Armed Forces will be unremitting in their efforts to remove any racist attitudes, racially discriminatory practice, behaviour or language.

176. The MOD held an Equal Opportunities Conference in November 1998, at which General Colin Powell, former Chairman of the Joint Chiefs of Staff, gave a keynote address. The Conference, the first of its kind in Europe, was hosted by the Secretary of State for Defence and provided a unique occasion in which to showcase the work of the Armed Forces on equal opportunity issues and increase and share knowledge in this area between the Ministry of Defence and recognized leaders in the field. The Chief of the Defence Staff, during his speech at the Conference, gave his commitment to removing racism from the Armed Forces. He said, "In short, we are fighting war on racism."

Recruitment

177. Overall, a more strategic approach has now been adopted to encourage members of the ethnic minorities to join the Armed Forces. All three Services continue to supplement their individual initiatives with targeted recruitment advertising, marketing activity, and attendance at local ethnic minority carnivals, festivals and careers conventions.

178. Equal Opportunities Recruitment Initiatives continue in Newham, East London and Sandwell, West Midlands. The RAF have taken the lead in Newham and the Army in Sandwell, supported by the other Services and Ethnic Minority Recruiting Teams. Their aim is to build on contacts already established and to win the confidence of local communities.

179. In order to attract more ethnic minority personnel the Armed Forces have been looking at ways to remove barriers to their recruitment so long as these do not affect operational capability. Wherever possible personnel are permitted to carry out their religious observances. Special dietary requirements are catered for and Operational Ration Packs for Sikhs/Hindus, Muslims and Jewish personnel became available in January 1999.

180. In June/July 1996 the Armed Forces successfully implemented a new system of ethnic monitoring of Applicants and Entrants to the Armed Forces and a new Management-led Self-Classification system for In-Service personnel. These have achieved response rates of over 99 per cent (far in excess of previous monitoring exercises). The Armed Forces are looking closely at current and future analysis for emerging trends to ensure that resources are available to make any necessary changes.

Training

181. The Tri-Service Equal Opportunities Training Centre (TSEOTC) was officially opened in September 1998. The TSEOTC, the first of its kind in Europe, currently runs two courses: a five-day Equal Opportunities Advisers (EOA) Course and a mandatory one-day senior Officers (Brigadier level and above) seminar for Service and civilian personnel. The EOA course is an intense and highly interactive course designed to challenge people's ideas and beliefs. It covers Tri-Service equal opportunities policy and related legislation, and gives advice on how to handle discrimination and harassment complaints.

The Police Service

182. The Home Secretary has made it clear that targets will be set for the recruitment, retention and promotion of ethnic minority officers. He hosted a conference in April 1999 which addressed the issues of managing targets and will be looking into the selection and promotion procedures to establish why ethnic minority officers are leaving the service. There is only one ethnic minority officer at chief officer level. He is an Assistant Chief Constable. Detailed proposals for improving the system for recruiting and retaining ethnic minority police officers are provided in the Home Secretary's Action Plan at Annex G.

ARTICLE 5 (d) (i-iii) - IMMIGRATION AND NATIONALITY (FREEDOM OF MOVEMENT)

183. In July 1998, the Government published its White Paper, *Fairer, Faster and Firmer – A Modern Approach to Immigration and Asylum*. The White Paper emphasizes the enormous contribution made by those who have emigrated to the United Kingdom, both in terms of our economy and our cultural diversity. However, like every country, we must exercise firm control over immigration. The White Paper makes clear the Government's determination to ensure that immigration controls are operated speedily and fairly. This reflects our fundamental commitment to human rights and race equality.

184. The White Paper contains a number of proposals to ensure a fairer immigration and asylum system. In respect of immigration, they include introducing a streamlined right of appeal for those refused a visa to visit a family member; taking further measures to avoid discrimination by employers when making checks to prevent illegal working; and developing new criteria to enable compassionate factors to be given due weight at every stage of the caseworking process. An Immigration and Asylum Bill which will implement key elements of the White Paper is now before Parliament.

Treatment of asylum-seekers

185. In its concluding observations, the Committee recommended that the United Kingdom should closely monitor the implementation of the Asylum and Immigration Act 1996 to avoid any discrimination against certain categories of asylum-seekers and to ensure that its effects in no way "nullify or impair the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms" of persons affected by the Act, in accordance with article 1 of the Convention.

186. All asylum applications are carefully considered against the criteria set out in the 1951 Convention relating to the Status of Refugees. Where an asylum applicant does not meet the Convention criteria for recognition as a refugee, consideration is given to any humanitarian factors which might justify the grant of exceptional leave to remain (ELR).

187. During 1998, the United Kingdom received 46,015 asylum applications. This showed an increase of 42 per cent compared to 1997. During 1998, 17 per cent of all decisions were grants of asylum, 34 per cent more than in the preceding 12-month period. Nationals of Somalia and Kosovo accounted for just under two thirds of those granted asylum during this period. Twelve per cent of all decisions made during 1998 were to grant ELR.

188. All failed asylum-seekers have a right of appeal to an independent Immigration Appeal Authority before removal to a country where they have expressed a fear to return. The low success rate of appeals confirms the quality of the initial assessments given by the Home Office Asylum Directorate. In 1998, Adjudicators determined 25,320 appeals, a 20 per cent increase compared to 1997. Provisional information indicates that only 9 per cent were allowed, and approximately 84 per cent were dismissed, the rest being withdrawn by the appellant. Only lawyers are now appointed as Adjudicators, and this is in the process of being formalized in the Bill.

Support for asylum-seekers

189. Under the terms of the Social Security (Persons From Abroad) (Miscellaneous Amendments) Regulations 1996, asylum-seekers who apply for asylum on arrival at a United Kingdom port are entitled to receive benefits until a decision is taken on their application, whilst applicants who make their applications after entry into the United Kingdom are usually not. However, in October 1996 the High Court ruled that local authorities had a duty under Section 21 of the National Assistance Act 1948 to provide care and accommodation to asylum-seekers and appellants who were without any other means of support and who could, therefore, be considered to be a category at risk for the purposes of the 1948 Act. This was upheld by the Court of Appeal in February 1997. In Scotland, a similar system of support has been provided by local authorities under Section 12 of the Social work (Scotland) Act 1968. Unaccompanied children, and families with children, have been supported under the Children Act 1989 and the Children (Scotland) Act 1995.

190. The result has been support arrangements which we consider a shambles. We propose, therefore, to create new support arrangements which ensure that asylum-seekers are not left destitute, minimize the incentive to economic migration, remove access to Social Security benefits, minimize cash payments and reduce the burden on local authorities. We are already working closely with local authorities to provide support more effectively within the current statutory framework. The Immigration and Asylum Bill will create a new framework, separate from the benefits system. The provision of accommodation will be coordinated nationally. It will be offered on a "no choice" basis, but with regard where possible to the wider network of support available in the community to avoid asylum-seekers being left isolated or vulnerable. Other support will generally be in kind in order to reduce the incentive to economic migration. But it will not be totally cashless. There will be a need for some small cash payments, especially for families with children.

191. All asylum applicants may take up employment if their claim has not been resolved within six months of the date of application or if they have been refused asylum and have lodged an appeal. Those who are recognized as refugees or granted ELR have the same entitlement to benefits or to work as British citizens.

Designated countries of origin

192. Under the provisions of the 1996 Asylum and Immigration Act, the Secretary of State may designate countries of destination where there appears, in general, to be no serious risk of persecution. Countries currently designated are: Bulgaria, Cyprus, Ghana, India, Pakistan, Poland and Romania. Applications from nationals of these countries continue to be assessed in accordance with the United Kingdom's obligations under the 1951 Convention relating to the Status of Refugees. However, in the event of refusal of asylum, an accelerated appeal procedure will normally apply.

193. An inter-departmental study of the asylum process was announced in August 1997. This looked at all aspects of asylum law and procedures to ensure that decisions were swift and fair for all applicants regardless of gender, race, or disability. The results of this study were included in the Government's White Paper. We are satisfied that no unfairness has resulted from the designated country of destination procedure, since the vast majority of applications from the countries concerned are unfounded. And where special considerations arise, these can be identified during the individual scrutiny given by a caseworker or adjudicator when considering the question of certification.

194. The Government is conscious, however, that there is a perception of unfairness in the use of a country-wide approach to designation. We consider that a better approach would be to replace these procedures with arrangements to certify appropriate cases individually using the case-specific provisions for accelerated appeals in the current legislation, supported by the arrangements for improved and more discriminating country assessments which we have introduced. Until the new appeals arrangements are implemented, we intend to continue to operate current procedures subject to due scrutiny of the circumstances of individual cases and the continuing review of conditions in the countries of origin of asylum-seekers.

Reduction in qualifying period for settlement

195. With effect from 27 July 1998, the Government has introduced a reduction in the qualifying period for settlement so that those recognized as refugees will now be granted simultaneous settlement and those whose asylum application is refused but who qualify for ELR will be granted four years' ELR in the first instance. They will then be eligible to apply for settlement. This compares with the previous requirement to complete seven years in the United Kingdom with ELR. In order to be fair to those people granted ELR prior to 27 July 1998, transitional arrangements have been put in place.

Asylum backlog

196. Clearing the backlog of asylum applications (64,770 at 31 December 1998) is an important part of the White Paper strategy. Two special units have been set up to consider the oldest (pre-1996) backlog cases as a priority. Delay in reaching a decision will be weighted as a factor to be taken into account but not for those who applied for asylum after enforcement action had begun, or whose presence is not conducive to the public good. Some 30,000 applicants who applied before January 1996 might be granted indefinite or exceptional leave to remain. Applications received after January 1996 will be considered in the normal way but will benefit from faster procedures.

197. Work on these backlog cases has now begun. It is expected that the pre-1993 Act cases will be cleared within the current financial year and the 1993 to 1995 cases by the end of 2000/01. The target is to reach levels whereby most asylum cases are decided within two months by April 2001. This will be fairer to genuine asylum-seekers whilst deterring abusive claimants.

Roma asylum-seekers from Eastern European countries

198. Applications for asylum in the United Kingdom are considered on their individual merits in accordance with the criteria in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and in the light of all the available information about conditions in each applicant's country of origin and the latest guidance from UNHCR.

199. Information from a variety of sources indicates that Roma from Eastern European countries are not always accorded adequate protection against human rights violations and, in some instances, have been victims of harassment, intimidation, ill-treatment and acts of discrimination by both local residents and the police. Whilst this is deplorable, it does not, as a general rule, amount to persecution under the terms of the 1951 Convention. The vast majority of those who have sought asylum in the United Kingdom have done so for reasons of economic and social betterment.

200. The United Kingdom experienced a considerable influx of Romanies from Slovakia and the Czech Republic in the autumn of 1997 and again in 1998. Handling arrangements were streamlined to speed up processes for those making abusive asylum claims at ports of entry, by reducing the period allowed for post-interview representations in certain areas.

201. On 3 December 1998, 103 Romanian Roma were detected by the Immigration Service at Dartford. All sought asylum. Twenty-six males were detained. Seventy-eight subsequently departed before the end of December 1998.

202. A visa requirement was imposed on nationals from the Slovak Republic on 8 October 1998. Czech nationals do not require a visa to come to the United Kingdom. The Immigration Appellate Authority have found that some Czech and Slovak Roma should be granted asylum. However, most appeals are dismissed or abandoned.

Section 8 of the Asylum and Immigration Act 1996

203. Section 8 of the Asylum and Immigration Act 1996 made it an offence for an employer to employ a person who is not entitled to be in the United Kingdom or whose permission to be here is subject to a condition prohibiting the work in question. Experience has shown that this provision can be a useful tool, if targeted against unscrupulous and exploitative employers. But there are some employers who are making more checks on potential employees than the legislation requires. This can lead to discriminatory recruitment practices which are unlawful under race relations legislation.

204. In view of this, it was made clear in the White Paper that the Government will take steps to re-emphasize to employers their duty to avoid racial discrimination in their recruitment practices, possibly through a statutory Code of Practice. The Immigration and Asylum Bill currently before Parliament includes a proposal for a statutory Code of Practice to provide guidance to employers in the avoidance of racial discrimination when securing the defence under Section 8.

The One Year Rule

205. The Immigration Rules are applied equally to **all** applicants regardless of sex or nationality. Under the Rules, spouses are not given settlement on arrival or following the marriage; they are granted an initial period of 12 months. At the end of this 12-month probationary period, settlement will be granted if the Secretary of State is satisfied that the marriage is still subsisting and that each of the parties has the intention of living permanently with the other as his or her spouse.

206. If for whatever reason the marriage has broken down during the probationary year, settlement is normally refused. That is because the fundamental reason for the person's admission in the first place, to continue or commence a stable family life, no longer exists.

207. In the past, cases where violence was the reason for the breakdown of a marriage have been considered sympathetically but it has been held that domestic violence cannot automatically override the requirements of the Immigration Rules.

208. The 12-month probationary period is an essential safeguard within the Immigration Rules to prevent abuse by those who are prepared to use marriage as a means of gaining settlement in the United Kingdom. The Government therefore has no intention of abolishing this requirement of the Rules, which in the generality of cases is the only sensible way to operate a firm and fair immigration control.

209. However, the Government is aware that this policy places a small minority of individuals in a distressing dilemma in that their insecure immigration status leaves them feeling "trapped" in a violent marriage. They face a stark choice between staying within the violent relationship or leaving their sponsor and being refused settlement.

210. In an effort to help these (mainly) women, the Government is planning to introduce a concession which would give them settled status in this country even though they are no longer living with their sponsor. The proposed concession was included in the White Paper; however, the precise criteria for the concession have still to be determined.

Equal Opportunities in the Immigration Service

211. It is a requirement of the Immigration Rules that immigration officers, entry clearance officers and all staff of the Home Office Immigration and Nationality Directorate (IND) will carry out their duties without regard to the race, colour or religion of persons seeking to enter or remain in the United Kingdom.

212. Training in equal opportunities and racial awareness is a thread woven into all training courses designed and delivered to staff in the IND. For example, there are specific sessions (including legislative instruction and cultural awareness) incorporated into all induction courses, management programmes, staff appraisal and interviewing courses.

213. In addition, all staff involved in full- and part-time training, including those who have to give presentations to outside agencies and organizations, are required to attend dedicated equal opportunities courses.

214. A booklet entitled "Professional Standards and Best Practice Guidance" was issued to all Immigration Service staff in 1997. Among other matters, the booklet makes clear that harassment and discrimination are disciplinary offences. New entrants to the IND are issued with the Home Office policy statements on Race Equality and Equal Opportunities.

Extension of immigration officer powers

215. The White Paper also included proposals to extend immigration officers' existing powers of arrest and to provide powers in the area of search, entry and seizure which will enable more enforcement operations to be conducted without having to rely on a police presence.

216. The Government recognizes that all immigration enforcement activity should be carried out with sensitivity and respect for the dignity of those concerned. A less confrontational approach, without a uniformed police presence in low profile cases, will help achieve this aim.

217. Work is under way to develop a training programme which will combine the practical requirements necessitated by the proposed changes with training to ensure such work is carried out fairly and with sensitivity.

218. Immigration officers investigating immigration offences are already bound by the legal safeguards within the Police and Criminal Evidence Act 1984 (PACE) and by the PACE codes of practice. Any new powers will be restricted to those necessary to do their job and will mirror those held by the police, containing similar safeguards. These will be supplemented by a revised code of practice for immigration officers.

219. The Government recognizes that an effective complaints system is vital to maintaining confidence in how immigration officers operate. Since 1994 an independent Complaints Audit Committee has reviewed all complaints made against the Immigration Service. A large degree of independent scrutiny already exists. But the existing procedures are being examined to see whether they need strengthening.

220. These proposals do not signal a change in those targeted for enforcement action. Nor do they signal a change in how immigration offenders will be removed from the United Kingdom. Rather they are proposals designed to provide immigration officers with the tools to do their existing job more effectively and, where appropriate, without the involvement of the police.

Refugees

221. The Home Office provides grants to non-governmental organizations to assist recognized refugees to settle in the United Kingdom. In particular, the Race Equality Unit is working with Refugee Action to develop and promote monitoring and evaluation methods to determine the success of the settlement programmes. The critical areas for successful settlement are as follows: Community Capacity Building; Economic Development; Social Development; Community Safety; and Individual Development. It is intended that, by monitoring the success of the settlement programmes in these specific areas, policies will be developed to reduce discrimination and promote refugees as full and equal citizens.

Kosovo

222. Under the arrangements with UNCHR, 4,346 refugees from Kosovo have arrived in the United Kingdom under the Humanitarian Evacuation Programme. The refugees have been housed in reception centres across the country where they are given a thorough health check and assigned a doctor. Children of school age are assigned to a local school and refugees are put in touch with any known relatives and friends.

223. Refugees arriving in the United Kingdom under the Humanitarian Evacuation Programme are granted leave to enter in line with close family members already settled in the United Kingdom or exceptional leave to enter for 12 months to provide for their protection as requested by UNHCR. This status provides access to the benefits system and the right to work.

224. The peace agreement of 9 June has provided the first step towards enabling the refugees to return home which has always been our aim. We are actively working up plans and intend that the programme of return flights should start from 19 July.

ARTICLE 5 (d) (vii) - FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

Religious Discrimination

225. There is currently no legislation covering religious discrimination in Great Britain (although there is in Northern Ireland). There is some pressure for action in this area, particularly from Muslim groups. The Government is sympathetic to the concerns expressed by these groups, and it is commissioning research into religious discrimination to inform its thinking. However, it considers that the issues are complex and that there are no straightforward solutions.

226. Groups are entitled to protection under the Race Relations Act if it can be demonstrated that they have suffered on racial grounds. It is for the courts to determine whether a particular group constitutes a "racial group" within the terms of the Public Order Act 1986, or the Race Relations Act 1976 (two major pieces of legislation that include the concept of racial group). Whilst the courts have not, to date, developed much case law under the Public Order Act, a number of cases have arisen in the civil law under the Race Relations Act. As the civil law

currently stands, Jews and Sikhs are considered as a racial group under the Race Relations Act but, for example, Muslims, Christians or Buddhists are not. Case law may continue to develop in this area.

227. The Government is sympathetic to religious groups on this issue, but there is no straightforward solution. It is not a simple case of amending the legislation to simply add "religion". There are considerable difficulties in defining religion without including groups which would better be described as cults.

Crime and Disorder Act 1998

228. There is no question of this Government condoning religiously motivated violence or harassment. Some Muslim organizations expressed concern as to whether the racially aggravated offences in the Crime and Disorder Act 1998 applied to cases where a Muslim is the victim of the racial hostility.

229. In practice, the Government believes that most cases which may appear to have a religious element will also have a racial element. We do not believe that when the perpetrators of these offences attack Muslims they do so because of hostility towards the tenets of Islam. They do so because of racist hostility towards the victim and towards the ethnic minority groups that are associated with the Muslim faith in this country.

230. The test of what amounts to "racially aggravated" for the purposes of these offences requires that the racial hostility is wholly or partly a motivating factor. The Government amended the Bill to make clear that, even if there is religious hostility, provided that part of the hostility is racist, then the offence is covered by these provisions.

Research

231. Because of the gaps in knowledge and the continuing pressure for change, we have decided to commission research into the nature and extent of religious discrimination. The research project started on 19 April. The research team based at Derby University will be consulting a range of religious and other organizations as part of their project, including the CRE and the Runnymede Trust. The final report will be produced within 18 months but we expect to receive an interim report based on a literature review this autumn. The results will help to inform our thinking in this area.

The 2001 Census

232. The Government notes the Committee's recommendation that the Government should consider a religion question in the Census. The Government published a White Paper in February 1999 on proposals for changes to the next Census in 2001. These proposals include the inclusion of a question on religion as well as expanding the ethnic origin question.

[Notes: During the consultation process, concern was expressed that the inclusion of a census question on religion will not be extended to Scotland. The general Register Office for Scotland, along with the Office for national Statistics and the Northern Ireland Statistics and research

agency, has undertaken extensive consultation over the last two years with Census users on possible questions for the 2001 Census. This consultation culminated in users submitting business cases setting out the uses and value of collecting information from the Census for each topic. The criteria against which these cases were judged included an assessment of the resources that are distributed on the basis of the information, the value of the information for very small areas (which the census in particular can provide), the existence or otherwise of alternative sources, the acceptability of the question to the form-filler, the quality of the information obtained, and the costs of collection.

The main reason for the proposal not to include a question about religious affiliation in Scotland was that no strong case was made for the uses that would be made of information from such a question - in particular the need for information at small area level which can only be obtained from a Census rather than a sample survey was not established. In England, a strong case was made by users for further refinement of the large ethnic minority population than is possible from the separate ethnic group question. In Northern Ireland, the case is linked to measuring the effectiveness of fair employment legislation and equality of opportunity policies. Although the Faith Organisations in Scotland indicated that they would wish to see a question on religion, they did not produce an argued case and other Scottish users did not see information about religion as a priority topic.

The Government considered the matter carefully before making its proposals. The proposals for the Census in Scotland will be reviewed by the Scottish Executive who will take account of representations made and final decisions will be subject to legislative approval by the Scottish Parliament in due course.]

ARTICLE 5 (e) - ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Regeneration Policy

233. The Government is determined to join with local government, the voluntary and private sectors and local communities in a concerted attack against the causes of social and economic decline - unemployment, bad housing, crime, poor health and a degraded environment. The Comprehensive Spending Review announcement in July 1998 included a New Deal for Regeneration which has two strands: a reshaped Single Regeneration Budget (SRB) and the New Deal for Communities (NDC). Our regeneration policy is designed to achieve regeneration of run-down areas, including helping the inhabitants of these areas who, in many cases, will be members of different ethnic groups.

234. A number of important steps forward have been taken which are crucial to understanding the distinctive nature of the Government's approach to regeneration. The key elements are found in our paper, "Regeneration Programmes: the Way Forward". This outlines the Government's commitment to targeting regeneration more intensively in areas of greatest need, often black and ethnic minority communities, and working with them in order to empower them. It makes clear that capacity-building must be undertaken to give the most disadvantaged communities real opportunity. This fits well with DETR's publication in 1997 of Involving Communities in Urban and Rural Regeneration, which has two major sections on involving black communities and faith communities.

Single Regeneration Budget (SRB)

235. More than 600 regeneration schemes are under way from Rounds 1, 2, 3 and 4 of the SRB (Challenge Fund) which are funded for up to seven years. SRB Round 5 has been launched, with a more regional focus and increased emphasis on partnership capacity-building. The SRB will receive over £2.4 billion over the next three years.

236. An increasing part of the SRB budget is allocated for the development of community-based groups, including ethnic minority groups. The Government has also put in place arrangements to frontload disbursement of finance, so that voluntary groups, including ethnic minority groups, leading SRB bids do not have to finance the first few months of work themselves.

237. The Government believes that it is crucial to ensure the active participation of local communities in the regeneration of their areas and that they should be directly involved, both in the preparation and implementation of bids. SRB Round 5 Bids should mobilize the talents and resources of all sectors including, for instance, the faith-based voluntary sector, the wider voluntary sector, ethnic minorities, local volunteers (including volunteers working from their local church, mosque, etc.). Activities already being carried out by the local community (e.g. community-led enterprises such as credit unions) and which rely very heavily on volunteers, should also be taken into account. Volunteers should be encouraged to participate fully in local regeneration activity because of the knowledge, skills and expertise they can make available.

238. SRB schemes, especially those which help develop a sense of community or build capacity in the voluntary sector and those involving crime prevention, community safety and victim support, can complement other work to tackle racial violence and harassment in local communities, and also target economic development and training initiatives on such communities.

239. The Government's commitment to tackle social exclusion will have particular relevance for vulnerable groups in the community such as homeless people, frail elderly people and those with mental illness. SRB schemes can develop targeted housing and other projects to promote community-based care and improved quality of life for these groups.

New Deal for Communities (NDC)

240. The New Deal for Communities is a new programme designed to tackle multi-deprivation in some of the country's poorest neighbourhoods. It takes forward the Government's commitment to tackle social exclusion and to bridge the gap between poor neighbourhoods and the rest of Britain. The programme was launched by the Prime Minister in September 1998, alongside the Social Exclusion Unit's report on deprived neighbourhoods, "A National Strategy for Neighbourhood Renewal - Bringing Britain Together". (See also paragraphs 256-258 below.)

241. Under the programme, one Pathfinder partnership was invited to form in each of seventeen local authority districts in England. Each partnership will deliver, intensive,

locally-focused regeneration for an identified neighbourhood. The programme will be flexible and innovative. Leadership opportunities will be extended to non-traditional organizations, such as the community and voluntary sectors. People in the most deprived neighbourhoods will be given the opportunity of real and lasting change.

Regional Development Agencies (RDA)

242. The Government is setting up Regional Development Agencies to take a lead in promoting the development of the English Regions. They will have a key role to play in addressing deprivation, and economic and social regeneration is one of their roles. They will take over the administration of the SRB from the Government Offices. RDAs are independent regional players free to develop appropriate Regional strategies, within the strong framework set by the Government's equal opportunity policies among other factors.

243. Many ethnic minority communities are affected by social exclusion and the types of problems that the Government is seeking to address. Regional Development Agencies are, therefore, well placed to make a significant contribution to race equality goals through programmes which, for example, improve training, jobs and housing prospects for ethnic minorities or build capacity in the black voluntary sector.

244. The Government has issued guidance to RDA Chairs advising them that they should ensure that the needs of ethnic minorities are reflected in regional strategies and that the participation of ethnic minorities in the development and delivery of those strategies is essential.

Inner Cities Religious Council

245. Religious identity can be significant in the ethnic minority communities - see the "Policy Studies Institute Report, Diversity and Disadvantage - the 4th National Survey of Ethnic Minorities", which the Government helped to fund. The Inner Cities Religious Council, chaired by a Government Minister, exists to help ensure the religious dimension is taken into account.

246. The Council is chaired by a Minister from the Department for Transport, Environment and the Regions, Mr Alan Meale. It meets three times a year and comprises representatives from the Hindu, Jewish, Muslim, Sikh and Christian faiths. It provides a forum through which the Government can engage with those communities which have a substantial presence in disadvantaged urban areas in its regeneration programmes. It encourages the exchange of views and enables faith communities to be in dialogue with each other on issues of mutual concern. Members' own local knowledge and ties with their communities bring a unique expertise to the Council.

Special Grants Programme

247. The Special Grants Programme (SGP) is small with a budget of some £1.4 million per year. It enables the Government to pay grants to voluntary organizations carrying out national projects. Valuable work is being done under this Programme among ethnic and faith minority communities. For instance, in 1990/2000 the SGP is funding the Federation of Black Housing Associations to increase awareness, knowledge and skills among ethnic minority

communities so that they can be more involved in regeneration schemes. Grants are time-limited (normally lasting three financial years and only support about half of project costs). The remainder has to come from private or voluntary sector sources.

Section 11 Funding

248. Funding under section 11 of the Local Government Act 1966 is available to local authorities and education institutions to assist in employing staff on projects to address additional needs of people, ethnic minorities whose language or customs are different from those of the general community.

249. Grant-funded projects include the provision of:

- Interpreting and translation services;
- A range of social services activities concerned with, e.g. the elderly, the physically and mentally ill, and fostering and adoption;
- Advice and training for adults, e.g. in English language and basic skills, to enable people to get a job or enter vocational training;
- Advice for people wishing to set up or improve their own business;
- Libraries and information services;
- Advice and support in overcoming homelessness and racial harassment.

Northern Ireland

250. The New Targeting Social Needs (TSN) initiative is part of a wider agenda of action announced in the Partnership for Equality White Paper which is intended to make Northern Ireland a fairer and more equitable society. New TSN aims to tackle social need and exclusion by targeting efforts and resources at those in greatest need by objectively identifying the people and areas in Northern Ireland which are most disadvantaged and working to ensure that government programmes are more effective in helping them.

251. New TSN comprises three complimentary elements:

- Special focus on the problems of unemployed people and on increasing the chances of finding a job;
- Targeting other types of inequality (e.g. health, housing and education);
- A special Promoting Social Inclusion (PSI) initiative which will identify and tackle factors which cause social exclusion.

252. Independent consultants have carried out audits of the activities of all Departments to assess how New TSN relates to each aspect of their work and to make recommendations. Departments are now using the output from these audits to draw up their own New TSN action plans which will be subject to public consultation. Following consultation with the voluntary and community sector and other interests, it was announced on 16 June that under PSI, working groups would consider the difficulties faced by ethnic minority groups and Travellers and develop policies and strategies for tackling them. Consultation has already been held on PSI priorities.

253. The Government's Making Belfast Work initiative was launched in 1988 to advance and improve the efforts made by the community, private sector and Government to address the range of problems facing residents in the most disadvantaged areas of Belfast. By March 1999, a total of £237 million had been allocated to the initiative which is linked at the highest level to other Government Departments by the Belfast Special Action Group, chaired by the Head of the Northern Ireland Civil Service. The initiative is run at grass-roots level by four action teams located in the targeted areas, which have day to day contact with local community workers and development groups.

ARTICLE 5 (e) (ii) EMPLOYMENT (FREE CHOICE OF EMPLOYMENT)

Unemployment

254. Figures from the Summer 1998 Labour Force Survey indicate that unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population, for example:

- Unemployment rates for ethnic minority groups of working age are higher than for the white population (14 per cent as compared with 6 per cent);

- Unemployment rates for ethnic minority women of working age are higher than for white women (13 per cent as compared with 6 per cent);

- Unemployment rates for ethnic minority men of working age are higher than for white men (15 per cent as compared with 7 per cent);

- For the last four quarters to Summer 1998, unemployment rates are significantly worse for ethnic minority 16 to 24-year-olds (i.e. Pakistani/Bangladeshi 32 per cent, Black 38 per cent, Indian 16 per cent, and other 25 per cent), compared with 12 per cent for white people.

255. This situation is unacceptable and the Government is determined to address the problem. We are taking action in a number of areas, details of which are listed below. Mentors and mentoring organizations are encouraged to assist in all our policies and programmes, particularly in the areas of job preparation and education.

Race for the Future

256. This is a Government initiative promoting the message to employers that racial diversity in the workplace is essential for good business practice, and that in today's Britain, ethnic minority people play an increasingly important role in helping businesses compete and prosper.

257. Working in partnership with others, such as the Commission for Racial Equality and Race for Opportunity, we have led regional conferences, held in Birmingham and Manchester, aimed at local business leaders. Forthcoming events will target specific business sectors.

Race Employment and Education Forum

258. This is a new race advisory body chaired by our Equal Opportunities Minister. It will focus on issues of employment, further and higher education and training and represents an important step towards identifying action to overcome the disadvantage suffered by people from ethnic minorities. The Forum's remit is to address current problems which impede the progress of ethnic minorities in the labour market.

Race Relations Employment Advisory Service

259. The Government's established Race Relations Employment Advisory Service offers a free and confidential advice and consultancy service to employers. It aims to help the development and implementation of equal opportunity policies and good practice in the area of racial diversity in the workforce. It is a nationwide service delivered through a team of advisers covering a specific area of the country. In addition to their equal opportunities expertise, the advisers also have local knowledge of the companies which operate in their area.

Poor Neighbourhoods

260. Recent research undertaken by the Social Exclusion Unit on Neighbourhood Renewal has found that, on Britain's poorest housing estates, almost all ethnic minority groups are at higher risk of unemployment. Young black men are two to three times more likely to be unemployed as white men with similar educational qualifications. Over 40 per cent of young black men aged 16-24 are unemployed, as are around 30 per cent of young black women, and Pakistani and Bangladeshi people of both sexes. This problem is acute in some neighbourhoods, where almost nobody who is young and black has jobs.

261. As a result, a Policy Action Team, led by the Department for Education and Employment has been set up to report on the extent to which labour market interventions, including the New Deal, are effective in enabling people in poor neighbourhoods to enter the labour market. The Team has been asked to produce an action plan to:

- Reduce the difference between levels of worklessness in poor neighbourhoods and the national average; and

- Within that to reduce the disproportionate unemployment rates for people from ethnic minorities.

The Team is due to report in the summer and will consider what scope there might be for pilot projects.

262. Research by the Social Exclusion Unit suggests that, in other countries, better access to capital has been an important part of strategies to regenerate poor neighbourhoods and encourage greater self-reliance. Self-employment and small business start-up can also be a successful way to combat ethnic minority unemployment. But people living in poor neighbourhoods find it hard to access the finance and advice they need to start up business or to become self-employed, and benefit rules can also hinder enterprise. The Action Team on business, led by the Treasury, will consider this issue, and is due to report by July 1999.

New Deal

263. The New Deal scheme has been set up by the Government to help young unemployed people aged 18-24 who have been claiming Jobseekers Allowance for six months, to move from welfare into work and to improve their longer term employability. It offers counselling, advice, guidance, work experience, education and training. Support is also offered to those wishing to enter self-employment in the form of advice, training and the opportunity to test a trade. Ethnic minority communities have been extensively consulted on and involved in the planning and implementation of this scheme.

264. We are now working to identify and address the barriers preventing ethnic minorities from achieving their full potential under New Deal, and to make it more responsive to the needs of our ethnic minority young unemployed and employers. Possible barriers to effective participation were identified during the consultation process and our strategy reflects these.

265. Thirty-three thousand businesses have now signed up in support of New Deal and there is a national drive to recruit more black and Asian New Deal Employers to take on job seekers.

266. The performance of ethnic minority entrants to the scheme will be closely monitored by Government. Ethnic minority statistics are published on a monthly basis but it is too early to judge whether people from ethnic minorities are facing barriers in New Deal related to race. Results so far indicate that, compared to the overall average, as many young people from ethnic minorities are getting unsubsidized work as their white counterparts (29 per cent ethnic, 30 per cent white).

267. However, we are also aware that ethnic minority participants are less likely to be on work experience under the scheme and significantly more likely to be in full-time education and training (68 per cent against 54 per cent white). The New Deal research and evaluation programme should help us to establish the reasons behind this trend.

Training and Enterprise Councils (TECs)

268. The Training and Enterprise Councils (TECs) are a national network of offices responsible for delivering Government job creation, training and enterprise programmes. This includes support and advice for those wishing to enter self-employment, including: initial support and advice on the implications of self-employment; help to develop business plans; skills training; and mentoring.

269. The TECs assess the local labour market needs in their particular areas, and develop strategies with other local partners in order to meet those needs. The Government requires all Councils to have a strategy to address equal opportunities in terms of access to, treatment on, and outcomes from, all their activities. The new National Standard for Training and Enterprise Councils Equal Opportunity Strategies, which sets out our expectations of Training and Enterprise Councils Equal Opportunity strategies, was developed in consultation with national equal opportunity partners including the Commission for Racial Equality. All 72 English Training and Enterprise Councils' updated equal opportunity strategies were agreed with Government Offices in 1998.

270. A report published in November 1998 suggests that most TECs still have some way to go to meet the National Standard in full, but confirms that equality of opportunity is now given a much higher profile than previously. The evaluation also highlights the need for further improvement in the collection and analysis of information on disadvantaged client groups, programme performance and target-setting; and more effective consultation with local partners on TEC equal opportunities plans and performance. A second stage evaluation in 1999 will look at the impact of strategies on TEC performance.

Minimum Performance Levels

271. Every Training and Enterprise Council's Business Plan includes two equal opportunities minimum performance levels, one each for adult and youth training, targeting ethnic minority groups. These targets must be achieved to avoid the risk of financial sanctions.

272. TEC Equal Opportunity Performance Indicators were first published in September 1997 to show how Training and Enterprise Councils compared in closing equality gaps in adult and youth training. The tables for 1997/98 show a national improvement in the number of ethnic minority leavers gaining jobs from adult training, but there has been no narrowing of the gap between young people from ethnic minorities and white trainees achieving vocational qualifications.

Plans for Further Work

273. Training and Enterprise Councils are now working with Government Offices to bring their equal opportunity strategies fully up to the National Standard by 31 March 1999 with particular attention to arrangements for continuing consultation with local partners and equality organizations on plans and performance.

Northern Ireland

274. The Training and Employment Agency is currently engaged in a programme of research to determine how well the Agency's programmes and services meet the needs of minority ethnic groups in Northern Ireland and to determine what action should be taken to improve access.

275. The Action for Community Employment (ACE) programme supported groups of Travellers in Belfast and Londonderry. Funding was provided for one ACE post in Belfast and for two posts in Londonderry during the 1998/99 financial year. The ACE programme is due to close at the end of July and will be replaced by "Worktrack". It is hoped that this new programme will serve the needs of the long-term unemployed more effectively and at the same time complement the various New Deal initiatives.

ARTICLE 5 (e) (iii) - HOUSING

The Housing Corporation

276. The Housing Corporation launched a comprehensive policy in June 1998 to combat the disproportionate levels of deprivation and discrimination endured by ethnic minority communities in housing. This policy builds on two successful five-year strategies launched in 1986 and 1991 and an ethnic minority housing needs enabling framework launched in 1996. The policy applies to the 2,209 registered social landlords (RSLs) in England, who between them manage approximately one million dwellings. A full review of the policy will be carried out in 2002/03.

277. This policy is based on extensive consultation, and progress will be monitored by an external review group with representation from key agencies such as the Federation of Black Housing Organization, the Commission for Racial Equality, the National Housing Federation, the Local Government Association and the Chartered Institute of Housing.

278. The policy sets out 22 commitments for the Corporation and RSLs. The key features are:

- RSLs should develop a culture which empowers ethnic minority communities, integrating their needs and aspirations into their everyday business. The Corporation is promoting this culture through Best Value benchmarking and enforcing it through its regulatory powers. A major research project was commissioned in November 1998 to establish a set of benchmarks through which individual RSLs and the Corporation can measure progress. Indicators will include assessments of RSLs performance by local ethnic minority communities;

- Central to the culture of empowerment is the continued success of ethnic minority led RSLs. These were supported through the Corporation's earlier strategies from 1986, and the sector now constitutes one of the most successful examples of black business in Europe. Local authorities and mainstream RSLs are encouraged to work with ethnic minority led RSLs in the development of any strategies which affect ethnic minority communities, and the Corporation also encourages stock transfers to the ethnic minority RSLs to strengthen their asset base;

- RSLs should improve ethnic minority representation on government bodies, in senior staff and in residents' representative groups. Research is being carried out among ethnic minority staff to establish their own assessment of their developmental needs and the obstacles they face, with a view to setting up a national scheme to develop the careers of ethnic minority staff in RSLs. This will start from the 1999/00 academic year;

- All RSLs must assess how this policy will affect them and develop, with local authorities ethnic minority housing strategies.

Housing Estates

Social Exclusion

279. The Social Exclusion Unit was tasked with reporting to the Prime Minister on how to develop integrated and sustainable approaches to the problems of worst housing estates, including crime, drugs, unemployment, community breakdown, and bad schools, etc.

280. The report has been presented to the Prime Minister as a National Strategy for Neighbourhood Renewal. (See also paragraphs 34-37 above.) As part of the strategy, 18 action teams have been put in place to examine the problems in greater detail and to report to Ministers in December 1999.

281. One of the characteristics of the 44 most deprived local authority districts is that they have nearly four times the proportion of ethnic minority residents compared with the rest of England. Ethnic minority communities figure significantly within the report, which details some of the particular disadvantages experienced by various ethnic minority communities e.g.:

- African-Caribbean people were a third more likely to suffer ill health than white people;

- 13.8 per cent of African-Caribbean people had suffered personal thefts and assaults compared with 9.6 per cent of white people;

- 41 per cent of African-Caribbean people have incomes less than half the national average, compared to 28 per cent of white people.

Ethnic minority communities also figure significantly in the objectives and membership of the 18 action teams.

Racial Harassment

282. Racial harassment on council-run housing estates and the distress it causes to families has become an increasing concern for this Government. The Housing Act 1996 contains several measures to combat such antisocial behaviour, including:

- Strengthening existing grounds for possession based on nuisance and annoyance to neighbours in two ways: so that it applies to behaviour within the locality of the tenant's property, and covers behaviour by visitors to the property;

- Making it possible for a landlord to evict a tenant for behaviour likely to cause nuisance and annoyance, so that the landlord would not have to call the victim of the behaviour to give evidence. This will make a real difference in racial harassment cases where victims have previously been unwilling to give evidence against neighbours for fear of retribution;

- Making it possible for a landlord to evict where a tenant, lodger or visitor has been convicted of an arrestable offence in the locality of the dwelling;

- Speeding up the repossession process by enabling a landlord to start possession proceedings against a tenant as soon as a notice for possession has been issued, rather than waiting 28 days (for local authorities) or 2 weeks (for other social/private sector landlords);

- Enabling local authorities to operate an introductory tenancy (IT) scheme covering all new tenants: tenancies are probationary for 12 months, after which they become secure tenancies unless the local authority has gained repossession of the dwelling. No grounds for possession need be made to the court. A number of authorities have already introduced IT schemes, and the Government is watching closely to see how these work out;

- Providing for a power of arrest to be attached to injunctions taken out to stop anti-social behaviour where violence has occurred or is threatened.

283. The Government also encourages local authorities to combat anti-social behaviour by such methods as:

- Tightening up tenancy agreements to make them more readily enforceable;

- Using mediation and counselling services to resolve disputes before they escalate;

- Using injunctions to prevent unruly behaviour;

- Improving physical security and design on estates; and

- Working closely with other agencies: the police, probation service and social services to develop and maintain comprehensive strategies for their areas.

284. The Government published Circular advice to local authorities in 1997 on the provisions in force, reminding authorities to ensure that they take into account the special needs of vulnerable tenants, including those who do not speak English as a first language, and those whose neighbours may seek to mount a case for eviction against them for spurious reasons.

Roma and Travellers

285. The legislation in England, Wales and Scotland that relates to Gypsies recognizes that nomadism is a legitimate way of life. British courts have held that Gypsies are a "racial group" and as such are protected by the provisions of the Race Relations Act 1976.

286. The Government has issued advice to local authorities, reminding them of their duties under health, welfare, housing and education legislation. It advises them, where practicable, to tolerate the presence of Gypsies camped without authorization on council land for short periods, and to continue to identify emergency stopping places where Gypsy families can stay for short periods. Authorities should consider providing basic services at such sites, including rubbish skips, water supplies and temporary toilets.

287. A Government Circular, issued in January 1994, is intended to encourage Gypsies to provide their own sites through the planning procedures in the same way as any other landowner. It advises planning authorities to make adequate Gypsy site provision in their development plans to meet the accommodation needs of Gypsies. The Circular also advises authorities to consult Gypsies when they are preparing their plans and to offer practical help to Gypsies with planning procedures.

Good Practice Guidance

288. The Government commissioned research to look at the experiences of about 20 local authorities in dealing with unauthorized camping and Gypsy/Traveller issues. The final report and the Good Practice guidance were published in October 1998. Among its key messages are the following:

- Local authorities should have an overall strategy towards Gypsy/Traveller issues, including needs assessment, site provision and service provision - as well as eviction policies, which should be developed with the local police force;

- Local authorities should build planning aspects into their overall Traveller strategies, including provision of education and health services;

- Local authorities and the police should have a written statement of their policies towards unauthorized encampment. This should be made available to Gypsies and Travellers. Local policies should make clear the circumstances in which Gypsies/Travellers will be permitted to stay on unauthorized sites without eviction action being started;

- Standards of behaviour expected of Gypsies/Travellers should be those expected of the settled community.

Northern Ireland

Grant Aid and Site Provision

289. The Department of Environment is empowered to make grants to District Councils which provide serviced sites for the accommodation of Travellers under section 21 of the Caravans Act (Northern Ireland) 1963. Grants of 100 per cent are available for capital works projects, including the provision of on-site amenity units, in accordance with the published Departmental Design Guide. To date, 10 serviced sites have been provided through District Councils.

The Advisory Committee on Travellers

290. The Advisory Committee on Travellers in Northern Ireland (ACT) was established by Government in 1986 with the current term of office expiring at the end of 1999. ACT provides advice and encouragement to Councils and those involved in the provision of serviced sites for long-term resident Travellers in Northern Ireland.

Travellers' Accommodation

291. In August 1998, the Government issued the report of a working party on Travellers' accommodation needs for the next 10 years. The report recommended that Travellers should be offered a range of accommodation options including "grouped housing", i.e. accommodation units built to accommodate those Travellers who wish to remain within their extended family group. In light of the recommendations contained in the report, an announcement will be made in the near future on policy changes for Traveller accommodation. In the interim, the Minister announced in January that four pilot projects would be taken forward by the Northern Ireland Housing Executive which would take Travellers' accommodation needs and preferences into account.

292. Following extensive consultation, articles 9 and 10 of the Local Government (Miscellaneous Provisions) (NI) Order 1985 were repealed as they were considered to be discriminatory against Travellers. This came into effect on 18 January 1999 through the Local Government (Amendment) (NI) Order 1998. This means Councils no longer have designation powers and must use other legislation to move people from unauthorized encampments.

ARTICLE 5 (e) (iv) - HEALTH, SOCIAL SERVICES AND SOCIAL SECURITY

The Benefits Agency (BA)

293. The Benefits Agency (BA) is the Government Agency responsible for the administration of over 20 social security benefits. Steps have been taken to ensure that the needs of ethnic minority communities are taken into account in the conduct of the Agency's business.

Consultation

294. Consultation at a national level with organizations representing people from ethnic minorities takes place through the BA Ethnic Minority Forum, chaired by a BA Director, which is held on an annual basis.

295. In addition to the Ethnic Minority Forum, BA holds biannual Forums for customer organizations representing refugees and asylum-seekers. The Refugee Council, Home Office and DSS Policy Group are actively involved in this Forum. Among the steps taken to improve service delivery to asylum-seekers as a result of feedback at these Forums, has been a programme of jointly-run awareness seminars for staff providing background information on the issues and sensitivities involved in dealing with claims from Asylum-Seekers.

296. The Agency produced guidance for all business units on local customer consultation in 1995, which emphasized the importance of including ethnic minority representatives in customer groups. The need for consultation with local organizations has been emphasized in a letter to Managers by the Chief Executive (March 1997) and the BA Equal Opportunities Monitoring Guide (April 1997).

Service Provision

297. A National Ethnic Liaison Working Party (NELWP) of BA staff was set up in March 1995 to improve service provision for the ethnic minority community. Over a two-and-a-half-year period, the working party concentrated on communication issues, including information and publicity, training and the production of guidance on good practices. This work of the NELWP earned the BA a short listing in the last five for the British Diversity Awards of 1997.

298. The good practice guide, *Service Delivery to Ethnic Minority Customers*, which was published for staff in April 1997, includes guidance and information about:

- Providing interpreting and translating services;
- Preventing discrimination;
- Internal network arrangements, i.e. the role of the NELWP;
- Useful liaison contacts;
- Local initiatives and good practices;
- The role of community or ethnic liaison officers;
- Cultural awareness;
- Ethnic naming systems.

299. Some BA Districts serving large ethnic minority communities provide advice and information surgeries in local community centres, etc. Some of these Districts have Community or Ethnic Liaison Officers, fluent in ethnic minority languages, whose main role is to improve links with the local community, assist in the making of benefit claims and provide benefit information.

Interpreting Policy

300. It is a BA service delivery requirement that, where it is necessary to interview a customer who does not speak English and cannot or does not wish to provide their own interpreter, arrangements must be made for the provision of an interpreter within 24 hours of the need for interview being established.

301. A code of practice on the provision of interpreters and guidance on obtaining interpreting services, "Bridging the Language Barrier", was produced by BA in June 1993 and fully updated in 1996 and 1998.

302. In some BA Districts, where there is a regular need for interpreting services in a fairly narrow band of languages, BA either employs interpreting staff or meets interpreting needs using bilingual staff. However, it is impractical to meet all interpreting needs in this way. The strategy for the provision for interpreting services is:

(a) BA staff. In liaison with Employment Service colleagues, offices are encouraged to maintain a list of bilingual staff who can undertake interpreting duties;

(b) Community-based interpreting services. Guidance is given on how to tap into and obtain the best from services available in the local community in "Bridging the Language Barrier";

(c) Telephone interpreting services. These should be used only as a backstop where face-to-face services are not available or are unable to meet a particular language need. A telephone interpreting service, provided by "Language Line" under national contract, started in December 1996. This allows access to the service at the most economical rate whenever it is needed.

303. BA is currently fully reviewing and revising its leaflet provision. When this is complete, all "Customer Group" leaflets, covering a full range of benefit information, will be available in eight languages, in addition to English and Welsh.

Training

304. In addition to BA's mandatory equal opportunities training, the "Serving the Needs of the Community" training course deals with issues relating to discrimination and stereotyping and the need for cultural awareness. A "Cultural Awareness" training course, produced by BA Training for the Glasgow Districts, has been evaluated by the NELWP and is now being made available to all BA Units.

Northern Ireland

305. A project is currently under way within the Social Security Agency to review the services provided to people from ethnic minorities in Northern Ireland. The project team has worked to develop partnerships with various minority representatives and has already consulted with a number of organizations in Northern Ireland and the Benefits Agency in Great Britain to see what they can learn from the service these organizations provide to ethnic minority communities. The team has also visited different communities and issued questionnaires in order to gather as much information as possible about people's needs. A series of workshops has been held to allow ethnic communities the opportunity to give their views on the services provided by the Agency and to suggest improvements.

306. The project team is now looking at the issues raised as a result of the research so far and will be considering how best the Agency might address the problems identified. A report and implementation plan will be produced outlining proposals for the improvement of service provision.

Health Services

307. Race equality issues have been high on the Government's agenda since it took office. The Government's strategy for modernizing the National Health Service (NHS) provides opportunities for health inequalities, including those affecting ethnic minority groups, to be tackled and reduced. The Department of Health is seeking to ensure that meeting the needs of ethnic minority groups is effectively integrated into the development and delivery of service provision at local levels, so that services provided are sensitive and meet cultural, religious and linguistic needs. An important component of this is the mainstreaming of ethnic minority health issues within national health policy development.

308. The Government's White Paper *The New NHS* (December 1997) set out ways in which the NHS should respond better to serving local populations, working closely with local authorities, the voluntary sector and others. There have been a number of developments which provide the opportunity for reducing inequalities and tackling social exclusion for black and ethnic minority communities. These include Health Improvement Programmes, Health Action Zones and National Service Frameworks. Primary Care Groups will play a key role within these developments. Measuring the quality of care is an important component, and this will be supported by the establishment of the National Institute for Clinical Excellence and the Commission for Health Improvement. Tackling inequalities is one of the key aims of the forthcoming White Paper, *Our Healthier Nation*, which will include a programme of action to follow up the Acheson recommendations. The Department of Health also funds a number of initiatives specifically targeted at improving the health of ethnic minorities, including grants to health authorities, the voluntary sector and professional bodies.

309. Ministers are spearheading a programme of action to tackle discrimination against ethnic minority staff within the NHS. Equal opportunities is a core value in the NHS human resource framework which sets targets for eliminating harassment and increasing ethnic minority representation. The number of candidates appointed to Trust and Health Authority Boards from ethnic minority backgrounds has increased since the Government took office, from 5 per cent at the time of election to 10.2 per cent today. 11.7 per cent of all NHS appointments made since the

general election have been of people from ethnic minority backgrounds. Currently, approximately 11.5 per cent of Trust Non-Executive Directors and 3.6 per cent of Chairs are from ethnic minority groups. We have also made improvements in the procedure for awarding distinction awards to consultants; in 1998, ethnic minority consultants received 9.6 per cent of the awards, compared with 6.2 per cent in 1996.

Drugs and Alcohol Misuse

310. In April 1998 the Government published its new 10-year national strategy to tackle the problems of drug misuse, "Tackling Drugs to Build a Better Britain". The strategy recognizes the special needs of ethnic minorities in respect of the provision of treatment and drug education and prevention. Whilst the focus of the strategy is on tackling illegal drugs, it acknowledges that it will often be appropriate for drug education and prevention activity to include information about alcohol and other substance abuse. The majority of Drug Action Teams include alcohol in their remit.

311. Drug Action Teams are responsible for determining local strategies to tackle drugs misuse and for coordinating action. There are 106 in England, each made up of senior personnel from the key local agencies including health authorities, local authorities, the police, prisons probation and other key players. Each Team is supported by Drug Reference Groups which provide an opportunity for communities, including ethnic minorities, to influence the strategic planning and delivery of services locally.

312. Drug Action Teams are aware that when assessing local service provision needs they must take account of the diversity in the local population and ensure, for example, that drug prevention initiatives are sensitive and relevant to the cultures and values of the targeted group.

313. The Home Office Drugs Prevention Initiative (DPI) has been working with communities, including minority ethnic communities, to combat drugs misuse since 1990. Designed to find out what works in drugs prevention, the DPI is a source of good practice for policy makers and practitioners nationwide. It has produced a number of research reports. These include DPI Paper 5, *Dealing with Diversity: Good Practice in Drug Prevention Work with Racially and Culturally Diverse Communities*, an independent evaluation of its work in this area, published in 1995 and *Qat Use in London: A study of Qat use in a sample of Somalis living in London*; published in 1998.

314. Further research has been commissioned to explore more fully the differences in drug-prevention work with minority ethnic communities through an examination of DPI-supported projects specifically designed to test this. The results of this independent research, which will include a review of relevant literature, will be published in 1999. The interim results have been incorporated into detailed guidance produced for Drug Action Teams and policy makers and have been disseminated at conferences and seminars.

315. From April 1999 the DPI was replaced by a new body, the Drugs Prevention Advisory Service (DPAS) which will advise and assist Drug Action Teams in developing their action plans and in the implementation of their programmes to tackle drugs misuse. It will continue to

coordinate demonstration projects across the country and support a programme of independent research to add to the drug prevention knowledge base. The results of the research will be widely disseminated.

Roma and Travellers

316. Regional Health Authorities in England are required to take account of Roma and travellers' needs in drawing up their plans. The Department of Health also funds a number of special schemes across the country, aimed at improving access to primary health care for people without permanent accommodation.

Northern Ireland

317. The Department of Health and Social Services and the Health and Social Services Boards provide a wide range of health and personal social services to the public and have developed policies to assist ethnic minority communities and Travellers make use of these and of services which address their special needs. Much of this assistance is provided in conjunction with voluntary organizations. For example:

(a) The Department provides funding to the Chinese Welfare Association, a group whose primary aim is to promote equality and access to a range of services for the Chinese community living in Northern Ireland;

(b) The Department provides funding to the Traveller Movement, an organization which supports groups that work with Travellers by offering advice, assistance and guidance;

(c) The Department provides funding to the Traveller Movement, an organization which supports groups that work with Travellers by offering advice, assistance and guidance;

(d) The Southern Health and Social Services Board jointly with the Brownlow Community Trust and the Northern Ireland Voluntary Trust have provided grant aid to the Craigavon Travellers Support Committee to employ a support worker to help the local Travelling community;

(e) The Health and Social Services Boards have jointly provided funding for a part-time interpreter post to work with the Chinese community;

(f) The Eastern Health and Social Services Board jointly with the Northern Ireland Voluntary Trust initially provided grant aid for a Multi-Cultural Resource Centre, which aims to raise awareness of the strengths, diversities, cultures, values and the existence of ethnic minority communities in Northern Ireland. Present funding is provided by the European Regional Development Fund.

318. Some additional project-specific funding is provided by the Department through the Central Council for Education and Training in Social Work. This Council has sought to ensure that social work students receive education and training to assist them in addressing issues of discrimination in practice in Northern Ireland.

319. In addition, as part of its 1999–2000 Business Plan, the Social Security Agency is developing an action plan aimed at improving the way its services are delivered to ethnic minority groups. In line with the New Targeting Social Need Audit, the Agency is preparing a statement of issues and potential responses for vulnerable groups, including ethnic minorities. The Agency is also helping to fund a research project being conducted by the University of Ulster on behalf of NISRA. The research into the nature and effects of racism in Northern Ireland covers a number of public sector organizations. The Agency has abolished special signing arrangements for Travellers claiming Job Seekers Allowance.

320. The Children (Northern Ireland) Order 1995, which came into operation in October 1996, requires Health and Social Services Boards and Trusts to have regard to a child's religious persuasion, racial origin and cultural and linguistic background.

ARTICLE 5 (e) (v) - EDUCATION AND TRAINING

Education

321. Racism, intolerance, prejudice and low expectations have no place whatsoever in our schools and educational institutions. Children from ethnic minority backgrounds now form a tenth of our pupil population and bring a cultural richness and diversity to our classrooms. Racial harassment undermines the confidence of pupils and students and it is our aim to ensure that schools provide an environment which accords respect for individuals and in which pupils and students of different ethnic and cultural backgrounds are able to develop their potential to the full.

322. The Government is proposing to introduce new arrangements for collecting statistical information from schools which will enable us to monitor achievement by the main ethnic groups based on individual pupil records. Schools will be encouraged to provide individual pupil records from January 2000. An Advisory Group to raise ethnic minority pupil achievement set up to advise Ministers will oversee work on ethnic monitoring as part of its action plan to raise standards.

323. The Group will also take forward actions outlined in the Government's White Paper *Excellence in Schools*, including providing guidance on good practice in tackling racial harassment and stereotyping, in promoting attendance and reducing exclusion of ethnic minority pupils, and in creating a harmonious environment in which learning can flourish.

324. Further action for addressing and preventing racism in schools has been proposed by the report on the Stephen Lawrence Inquiry. This recommends the implementation of strategies to prevent and address racism in schools and amendments to the National Curriculum aimed at valuing cultural diversity and preventing racism. Both recommendations have been accepted by the Government.

Teacher Training

325. In order to qualify all trainee teachers must have demonstrated, during training, that they are able to set high standards for all pupils regardless of individual differences, including gender

and cultural and linguistic backgrounds. This should ensure that teachers do not lower their expectations because of a pupil's background. Trainee teachers must also be taught their legal liabilities and responsibilities relating to anti-discrimination legislation.

326. The Government has introduced a new Ethnic Minority Achievement Grant with an investment of £430 million over the next three years. The grant will allow schools to provide more teachers and teacher assistants and will cover particularly those schools with pupils whose first language is not English.

School Exclusions

327. The Government is concerned about the disproportionate number of ethnic minority pupils, particularly African-Caribbean boys, who are being excluded from our schools and is committed to reducing the high level of school exclusions, particularly amongst over-represented groups.

328. Since this problem is so serious, we have decided that published performance data on school exclusions should be broken down by ethnic group for each local education authority. This information was issued for the first time in September 1998.

329. We have also written to the Chief Education Officers of some 50 Local Education Authorities where Black pupils are disproportionately excluded providing them with the relevant data for their authority along with comparative data for other authorities. We hope that the authorities concerned will find this information useful in drawing up their Behaviour Support Plans, particularly in preparing targets for reducing the level of exclusion.

330. The Social Exclusion Unit's report, "Truancy and School Exclusion", set out the Government's ambitious agenda for reducing truancy and school exclusion. A number of measures are now being taken forward, including the following:

- The introduction of annual, special inspections of schools with high levels of exclusion, including those disproportionately excluding particular groups such as ethnic minority pupils;

- The promotion of community mentoring as part of the work to raise the achievement of ethnic minority pupils;

- Work to ensure that equal opportunities issues and behaviour management are adequately incorporated into initial and in-service teacher training.

Religious Education

331. Religious education, as part of the basic curriculum, is provided for all registered pupils attending maintained schools. The subject is delivered by locally agreed syllabuses that must "reflect the fact that the religious traditions are in the main Christian whilst taking account of the

teaching and practices of the other principal religions represented in Great Britain". Syllabuses must not be designed to convert pupils, or to urge religious belief on them. Parents have the right to withdraw their children from religious education if they wish to do so.

332. Accountability for religious education is established through the procedures set up to agree syllabuses in each local education authority. Religious Education syllabuses are reviewed by agreed syllabus conferences. These bodies, which meet every five years, have a membership drawn from both Christian denominations and other religions, which reflect the proportionate strength of the religions in each area in order to ensure that the needs of local communities are met effectively.

333. The law also requires that all pupils in maintained schools take part in daily collective worship, though parents have the right to withdraw their children. Worship organized by county (or equivalent grant-maintained) schools must be "wholly or mainly of a broadly Christian character". Only the majority of acts each term need satisfy this requirement, and no act need contain solely Christian material. There is provision for exemption from the requirement for broadly Christian worship for some or all pupils in schools where it is inappropriate because of pupils' faith backgrounds. In these circumstances, the head teacher may apply to a local Standing Advisory Council on Religious Education for a "determination". This lifts the broadly Christian requirement for the whole school or groups of pupils within it.

Faith schools

334. It is possible under existing legislation for independent promoters of all faiths and denominations to make proposals for new schools to receive State funding. The promoters must undertake a consultation process before publishing proposals, which go to the Secretary of State for consideration on their merits, taking account of any objections and against the background of educational, organizational and financial factors. For example, the Secretary of State would need to be assured that the school could comply with all the requirements of maintained schools, such as delivering the National Curriculum and appointing suitably qualified staff. He would also have to look at the financial, including capital expenditure, implications of providing a new school in a particular area.

335. The Government recently agreed to fund two Muslim schools - Islamia Primary in Brent, and Al-Furqan Primary in Birmingham. These schools met the criteria for acceptance, and demonstrated that they could meet requirements applying to all maintained schools.

336. The cultural and religious needs of children who attend non-religious schools should be recognized and validated by the school. If children feel that their cultural and religious identity is being acknowledged they will be more likely to be happy and successful in school. For example, many schools with Muslim children will arrange for halal food to be part of the school meal, will make adjustments to the school uniform policy to take account of sensitivities on modest dress, or will provide prayer facilities. A child may be absent from school on any day exclusively set apart for religious observance by the religious body to which the parents belong.

English as a Foreign Language

337. The Government believes that English should be the medium of instruction in schools and it is our priority to equip all children with a good command of English. Without it, children whose mother tongue is not English will not be able to take full advantage of the opportunities schools have to offer, nor to participate fully as British citizens in their adult and working life. There are about 200 mother tongues represented in British schools and as many as 60 mother tongues may be present in a particular school. It would not be practicable to provide teaching of the National Curriculum in the variety of mother tongues.

338. Extra funds are provided by the Government under section 11 of the Local Government Act 1966 for extra teaching posts to help children's development of English. Section 11 funds may also be used to provide bilingual teachers and classroom assistants to provide mother tongue support, particularly in the early primary years, to ease the child's transition from home to school.

339. Four hundred and seventy projects are currently being funded with a total potential grant cost of £88 million. This covers 117 local authorities, 55 grant-maintained schools and 37 colleges and supports 4,900 teacher posts.

340. Pupils may also have the opportunity to study their own mother tongue at secondary level as part of the National Curriculum. A range of modern foreign languages may be offered by schools, which may include the mother tongue of pupils. The Government recognizes the benefits that derive from the maintenance of ethnic minority linguistic and cultural traditions, but believes that the main responsibility for maintaining the mother tongue should rest with the ethnic minority communities themselves.

341. Many ethnic minority communities have set up supplementary schools (in the evening or on a Saturday) to maintain linguistic and cultural traditions. This is often with the support of Local Education Authorities who wish to help parents achieve what they want or regard the supplementary schooling as part of the appropriate provision for pupils that the Local Education Authority is under a duty to make. This support may take the form of premises made available at reduced rent or free of charge; grants for the purchase of materials and equipment; access to in-service teacher training or, in some cases, provision of additional staff under grant paid under section 11 of the Local Government Act 1966.

Roma and Traveller children

342. Specific grant is paid by the Local Education Authorities under section 488 of the Education Act 1996 to meet the additional educational needs of the children of Travellers and displaced persons. In the current financial year (1998-1999) the grant programme is supporting some £10.7 million of expenditure on Traveller education. There are Traveller Education Services supported by the programme in some 120 Local Education Authorities in England. The majority of the funding is for additional, peripatetic teaching staff working in authorities to support some 3,400 schools with travelling children. There is a separate programme in Wales.

343. All provision supported by the grant programme aims to improve access to school and raise the achievement levels of children in these groups who are particularly at risk of educational failure and social exclusion. Historically, Gypsy/Traveller children have had very poor access to schools and have lower academic achievement than any other group. The programme is making significant progress, particularly at primary level, but more remains to be done, notably at secondary level. Ministers have agreed that a further £1.5 million of grant be provided from the 1999-2000 financial year to form a Development Fund to support new work particularly in pre-school years and in secondary education.

Northern Ireland

Primary and Secondary Schools

344. The provision made for the education of children from ethnic minorities who are attending primary or secondary schools normally takes the form of a more generous staffing ratio or the support of a teacher specializing in teaching English as a foreign language (EFL) where the need for such provision has been established. For example, one Education and Library Board provides four primary peripatetic EFL teachers for a wide variety of ethnic minority children, including the Sikh and Chinese populations, while others provide either full-time or part-time EFL teachers, field officer support and advisory courses.

Funding

345. Education and Library Boards can mount specific initiatives within the overall block grant allocated to them by the Government. These could include special provision for, or in relation to, children from ethnic minorities where a Board is satisfied that the number of such children and their needs justify provision outside the resources made available to schools through the Boards. The cost of providing interpreters for parent-teacher meetings where the parents are not fluent in English is met centrally by the Education and Library Boards and is not therefore a charge on an individual school's budget. Work on a common funding formula is in progress and will include a review of the formula funding arrangements for children from ethnic minorities.

Further Education

346. The Government encourages colleges, where they are aware of the existence within their catchment areas of particular ethnic minority groups, to identify the particular further education needs of such groups and to consider how they might meet these needs.

347. The Further Education colleges are well placed to provide students whose first language is not English with competence in English and several colleges already provide ESOL (English for Speakers of Other Languages) courses. Colleges will continue to respond to identified demand for such provision.

Travellers' Children

348. The Government's policy is that education for the children of Traveller families can only be effectively provided for in a non-discriminatory environment which is understanding of, and

sympathetic to, the way of life of Traveller families. This is not only for the contribution each child brings, but as an opportunity for all pupils to develop and share their experiences for their common benefit. It is in the best long-term interests of both Traveller children and settled children that they should be educated together. However, there are exceptional circumstances in one primary school where the majority of primary-aged pupils of Traveller parents residing in the Belfast area are currently educated together. Some Education and Library Boards have appointed officers to support and advise schools, teachers and Traveller children and their parents in the field of Traveller education.

349. The Forum for the Education of Travellers' Children, representing the Government, the Council for Catholic Maintained Schools and the five Education and Library Boards maintains a strategic overview of Travellers' education and, where appropriate, initiates conferences, in-service training and future planning. The Forum has been instrumental in producing teaching materials for infant and junior school children from Traveller and ethnic minority families. The Forum also liases with Traveller Support Groups and other Traveller groups both inside and outside of Northern Ireland.

350. The Government funds, under the Physical and Social Environment Programme (PSEP), the Belfast Travellers Education and Development Group (£18,000 in 1999/2000). The primary objective of the funding is to provide culturally specific education, training and capacity-building programmes with the Traveller community in Belfast.

351. In recent years funding from EU Peace and Reconciliation funds has enabled a number of initiatives to be taken forward to support education provision for ethnic minority children, particularly for those from Traveller families.

Monitoring the educational performance of ethnic minority pupils

352. The Government has put in place measures to establish the numbers and ethnic categories of ethnic minority pupils in Northern Ireland schools. Consideration is being given to the aspects of performance which should be monitored and the most appropriate methods of monitoring.

353. The 1998 School Census required schools to show the number of pupils in each year group broken down into the same ethnic categories as those to be used in the 2001 Census of Population; from 1998/99, the School Leavers' Survey will record the ethnicity of each leaver, using the same categories. The Government will be consulting on the most appropriate method for monitoring ethnic minority pupils at key stages in the school curriculum.

ARTICLE 5 (e) (vi). CULTURAL ACTIVITIES

Broadcasting

354. In the United Kingdom special provision is made, wherever possible, to ensure that minority communities enjoy equal participation in cultural activities including television and radio broadcasts.

355. One of the main aims of the Broadcasting Act 1990 was to provide opportunities for communities of all kinds to have access to broadcasting stations, offering programme material designed to meet their specific tastes and interests.

356. The Radio Authority is required, in selecting licensees, to have regard for the extent to which any proposed radio station would cater for the tastes and interests of people living in the area and the extent to which it would broaden the range of programmes already available on independent local radio there. These provisions have facilitated applications from ethnic minorities to operate their own stations. There are now six licences to provide full-time local radio services aimed at catering for the tastes and interests of black and other ethnic minority audiences. In addition, many short-term licences are granted for local events, including religious festivals.

357. The Independent Television Commission has issued over 20 broadcasting licences for television services aimed at the Asian, Chinese, Japanese, Turkish, Iranian and Afro-Caribbean communities. A number have been available on cable television since the late 1980s and it is likely that with the arrival of digital television services, more will become operational.

358. The Broadcasting Act 1996 made provision for broadcasting licences to be issued to provide television services for particular locations in the United Kingdom and an Indian language service seems likely to be one of the first to start transmissions.

359. The British Broadcasting Corporation's Statement of Promises to Viewers and Listeners includes a commitment to, "work harder to reflect the wide interests and varied cultures of the whole of the United Kingdom and to provide programmes of particular interest to ethnic minority audiences".

ARTICLE 6. PROTECTION AND REMEDIES AGAINST RACIAL DISCRIMINATION

Commission For Racial Equality (CRE)

360. The Commission for Racial Equality's (CRE) statutory functions under the Race Relations Act 1976 are to:

- Work towards the elimination of racial discrimination;
- Promote equality of opportunity, and good race relations, between persons of different racial groups generally; and
- Keep under review the working of the Race Relations Act 1976 and to draw up and submit to the Secretary of State proposals for amending it.

361. In addition to reviewing the Race Relations Act, the Commission:

- Legally assists complainants in cases of discrimination;

- Tackles institutional discrimination by encouraging public and private sector leaders to publicly commit themselves to using their power and influence to end racial discrimination;

- Raises public awareness of the problems of racism and advantages of multiculturalism through public education programmes and advertising campaigns;

- Works in partnership with local anti-racist groups, many of whom receive partial funding from the CRE.

362. The Government fully supports the work of the CRE. To reinforce this support, the Government decided to increase the CRE's total grant from £14,825,000 in 1998/1999 to £16,420,000 in 1999/2000.

363. A Commission for Racial Equality was recently set up in Northern Ireland. Its annual budget is currently £450,000.

Employment Tribunals

364. Complaints relating to discrimination in employment are dealt with by employment tribunals. These are open to the public, including the media, and cases are reported in the newspapers, employment law journals and (more rarely) on television.

365. Employment tribunals are designed to provide a cheap, speedy, accessible, and relatively informal forum for the resolution of employment-related disputes. Accordingly, people are able to represent themselves if they so wish. Parties are also able to negotiate settlements of a complaint to an employment tribunal and of complaints which could be made to a tribunal either through the auspices of an Advisory Conciliation and Arbitration Service (ACAS) conciliation officer or by means of a compromise agreement.

366. Legal aid is not available for legal representation at employment tribunal although it is available for assistance with case preparation for those who qualify. The Commission for Racial Equality may offer assistance in relation to proceedings or prospective proceedings, for example where the case raises a question of principle or is complex.

367. The system is designed to weed out hopeless and ill-founded cases thus freeing the way for genuine cases to proceed more quickly. For example, where it appears that the tribunal does not have the power to grant the relief claimed the tribunal may write to the party concerned pointing this out and saying that it will not register the case unless the party confirms he wishes to proceed. The powers for dealing with this type of case have been strengthened by the Employment Rights (Dispute Resolution) Act 1998 and will be given effect by means of the Employment Tribunal Regulations which are in the process of being amended. As for cases which appear to be ill-founded the tribunals may hold a pre-hearing review, either of their own motion or at the request of a party to the case. If at the pre-hearing review the tribunal is of the opinion that the case has no reasonable prospect of success, it may require payment of a deposit of up to £150 as a condition of proceeding to a full hearing.

368. The Committee requested that we include in the fifteenth report a review of the cases brought under the Race Relations Act 1976 and their outcomes. In 1997/1998 2,568[1] applications for race discrimination were registered within the employment tribunals (GB[2]). Of these applications, 655 reached settlement between the applicant and respondent via services offered by the Advisory Conciliation and Arbitration Service (ACAS). Seven hundred and nine applications were withdrawn or privately settled. Eighty-eight applications were successful following a hearing. Three hundred and ninety eight applications were unsuccessful following a hearing and 99 were dismissed at hearing being out of jurisdictional scope for hearing at an employment tribunal. One hundred and thirty-five cases were disposed of by other means. A further 484 applications had yet to reach an outcome.

[*Notes:*

[1] *Applications are counted according to nature of the main complaint at the time the case is registered with the employment tribunals e.g. an application for unfair dismissal because of race discrimination may be registered as unfair dismissal and race discrimination but not be counted within the figures above.*

[2] *England, Scotland and Wales.]*

Human Rights Act

Incorporation of the ECHR

369. The Human Rights Act was passed in November 1998 giving further effect in United Kingdom law to the rights and freedoms set out in the European Convention on Human Rights. It does this in two main ways.

370. First it requires all legislation, whenever enacted, to be interpreted as far as possible in a way which is compatible with the Convention rights. Primary legislation will continue to be enforced if it is held to be incompatible, but the higher courts will be able to make a declaration of incompatibility. That will enable the relevant Government Minister to amend the legislation by order, subject to parliamentary approval, if there are compelling reasons to do so. Parliament will also be able to amend the legislation by fresh primary legislation. The courts will be able to quash or set aside incompatible subordinate legislation, unless it is inevitably incompatible by virtue of the parent legislation.

371. Second, the Act makes it unlawful for public authorities to act in a way which is incompatible with the Convention rights. Public authorities will include courts and tribunals, Government Departments and the police amongst others. Victims of a breach of the Convention rights will be able to rely on these rights in proceedings involving a public authority, or proceed against the authority direct. Courts and tribunals which find that a public authority has acted unlawfully will be able to award whatever remedy is within their jurisdiction and seems appropriate.

Preparing for implementation

372. The Act is due to be implemented on 2 October 2000. There is a lot of preparatory work to do before that date. For example, courts and tribunals will need training to enable them to deal confidently with Convention points in the cases that come before them. Training of judges and Court personnel has already begun and is being coordinated by the Judicial Studies Board. Public authorities will need to review their legislation and procedures, and will need to train their staff in an awareness of the Convention rights.

373. The Government is providing detailed guidance on the Act to help public authorities comply with it. We will also be discussing with non-governmental organizations how to provide training for public authorities and how to heighten public awareness of the Act. The provision of information to the public and the rights and duties it involves is currently being considered by the Human Rights Task Force. Consideration will also be given to the languages in which such advice should be provided.

Bill of Rights

374. There have been calls on the Government from some pressure groups to introduce a Bill of Rights. However, our priority at present is our manifesto commitment to incorporate the European Convention on Human Rights into our domestic law. The Human Rights Act represents a major constitutional reform, as well as a major step towards the development of a human rights culture in the United Kingdom. We are now working on preparations for its implementation and would like to see how the Act operates in practice before considering whether anything further is needed in this area.

Human Rights Commission

375. The Human Rights Act does not provide for a Human Rights Commission, although we have not ruled out establishing a Commission in future. Some detailed issues would need to be resolved first, such as the functions and structure of a Human Rights Commission and its relationship to other bodies working in the field of human rights in the United Kingdom, such as the Equal Opportunities Commission, and the Commission for Racial Equality.

376. A Human Rights Commission has been established in Northern Ireland as a result of the peace process. We do not believe that the special circumstances of Northern Ireland justify the establishment of a United Kingdom Human Rights Commission.

Council of Europe Framework Convention for the Protection of National Minorities

377. The United Kingdom ratified the Framework Convention for the Protection of National Minorities in January 1998. Under the Convention, signatories guarantee persons belonging to national minorities equality before the law and freedom from discrimination. States Parties also agree to adopt, where necessary, measures to promote, in all areas of economic, social, political and cultural life, full and effective equality between minority and majority groups.

378. The United Kingdom Government will be reporting in full on compliance with the Convention by July 1999. We are consulting widely on the drafting of this report and have already written out to NGOs and members of the Home Secretary's Race Relations Forum seeking their views on the subject areas the report should cover. These organizations will also have the opportunity to comment on a draft report.

ARTICLE 7. PROMOTING TOLERANCE AND UNDERSTANDING

Commission for Racial Equality

379. The Commission has collaborated in a number of high profile and award winning campaigns to promote racial tolerance and cultural diversity. Examples include:

- The "Visible Women" project which was launched in 1997 to raise awareness of the obstacles facing ethnic minority women in Britain, particularly in the labour market, was launched in 1997 and consolidated in 1998 with the establishment of two regional forums for London and the south and the north of England;

- The "Tackle Racism in Rugby League" joint campaign with the Rugby Football League (RFL) to end racism in the sport and to encourage more people from ethnic minorities to take part in it;

- The "Sporting Equals" three-year programme developed with the English Sports Council to promote racial equality in sport.

380. In September 1998 the CRE launched a widespread public education campaign, including the use of posters aimed at encouraging the public to challenge racism when they see it, and aimed at challenging negative racial stereotypes. Further details on these initiatives will be included in the Annual Report of the Commission for Racial Equality for 1998, a copy of which is attached at Annex M.

381. The Commission for Racial Equality in Northern Ireland has worked to promote good race relations and understanding in a number of ways. These include: a billboard campaign to launch the first racial equality free phone number in Northern Ireland; providing grants to local ethnic minority groups to raise awareness and empower the constituency; and the "Into the Light" Conference which looked at the needs of ethnic minority communities.

Ethnic Diversity in the School Curriculum

382. The School Curriculum and Assessment Authority, which advises the Secretary of State, is required, in exercising its functions, to take account of the ethnic and cultural diversity of British society and the importance of promoting equal opportunities for all pupils, regardless of ethnic origin or gender. Proposals to enhance the teaching of cultural diversity in schools are included in the Home Secretary's Action Plan at Annex B.

383. Cultural awareness in schools is reflected in the teaching of History in the National Curriculum: a number of study units cover a broad sweep of British, European and world

history. The National Curriculum provides a framework for study which outlines the areas of historical understanding to be developed and the facts, concepts and skills to be learned. It is designed to ensure that pupils acquire a proper grasp of historical knowledge, including the key events, developments and personalities that have shaped the past.

384. Scope is also provided within the National Curriculum for History for schools to introduce material about other cultures. Schools can focus on key historical issues for people with a non-European background in Asia, Africa, America or Australasia within a compulsory study unit, "A past non-European society". There are also opportunities to study African and American history in a "twentieth century world" study unit.

385. The Universal Declaration of Human Rights also features in the National Curriculum. In the statutory programme of study for History at Key stage 3 (11-14 year olds), the United Nations Charter and the Universal Declaration of Human Rights form one of a range of topics which pupils may cover for compulsory in-depth study within the unit on the twentieth century world.

Citizenship

386. The Government plans to strengthen education on citizenship which will highlight the need for pupils to have an understanding of diversity and respect for individuals from different cultures and backgrounds, and an understanding of and commitment to the value of equal opportunities.

Broadcasting

387. Paragraphs 350-355 above describe developments within the broadcasting service to meet the cultural needs of ethnic minority communities. It is recognized that broadcasting services offer a powerful means of developing a degree of harmony and understanding through common social, community, musical and other interests. As a result, United Kingdom legislation has provided for an expansion in the range and diversity of services, appealing to a variety of tastes and interests.

Northern Ireland

388. The Government provides grant-aid towards the salary of a race relations adviser, a community interpreter and a bilingual advocate, together with certain general support costs. (£39,800 in 1999/2000) Its purpose is to help the Chinese population to integrate within the community while retaining its cultural identity and to assist with the racial problems which it experiences.

389. Grant-aid is also provided towards the salaries of three designated posts with the aim of raising awareness of the culture, traditions, strengths, diversities, values and needs of ethnic minority communities in Northern Ireland and to encourage cooperation between them and other parts of the community (£47,000 in 1999/2000).

ARTICLE 14. RIGHT OF INDIVIDUAL PETITION

390. The Government notes and has considered the Committee's recommendation that it should make a declaration under article 14 of the Convention. The Government believes that, as this report demonstrates, the effect of remedies already available within the United Kingdom, both under domestic and international law, to protect individuals from racial discrimination is already considerable. The Human Rights Act will give further effect in United Kingdom law to the rights and freedoms set out in the European Convention on Human Rights.

391. The Government recently completed a review of the United Kingdom's obligations under international human rights instruments. This included the question of whether the United Kingdom should make a declaration under article 14, and also accede to rights of individual petition under other United Nations treaties. The outcome of the review was announced in March 1999. The Government concluded that it was not the right time to grant rights of individual petition under these treaties, as the complaints procedures would detract from the work to implement the Human Rights Act. The Government has undertaken to look at this again when the Act has been implemented.

List of annexes

Annex A: List of United Kingdom NGOs working in the Field of Racism which were consulted on the Report.
Annex B: Home Secretary's action plan.
Annex C: Northern Ireland Act 1998 - Part VII - Human Rights and Equal Opportunities.
Annex D: Race Relations Forum: Terms of Reference.
Annex E: Europe against Racism Conference Report.
Annex F: Crime and Disorder Act 1998 - Part I, Chapter III.
Annex G: Section 95 - Statistics on race and the criminal justice system.
Annex H: Holders of judicial office of ethnic minority origin (as at 1 June 1999).
Annex I: Justice of the Peace: Analysis of the public appointments and equal opportunities survey - as at 21 May 1997.
Annex J: In this together - Tackling racial incidents: Good practice in multi-agency working.
Annex K: Racial incident figures by year - Scotland totals.
Annex L: Quangos - Opening up public appointments.
Annex M: Commission for racial equality - Annual report 1998.
Annex N: Racial prejudice and discrimination in Great Britain - The attitudes of white people.

Appendix

Table 1: Levels of prejudice.
Table 2: Attitudes to ethnic minority boss.
Table 3: Attitudes to racial inter-marriage.
Table 4: Reasons for racial prejudice.
Table 5: Attitudes to Government and society: United Kingdom and European Union.
Table 6: Perceptions of Labour Market Discrimination.
Table 7: Attitudes to policy.
Table 8: Attitudes to immigration.
Table 9: Expectations of the future.